



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.05.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
AND
THE HONOURABLE DR.JUSTICE **ANITA SUMANTH**

H.C.P. [MD] .No.693 of 2018

Manikandan

: Petitioner

Vs.

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2. The Inspector of Police,
Jegathapattinam Police Station,
Pudukkottai District.

3.Banumathy

4.Arun

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body or person of the petitioner's wife, namely, Suriya, D/o.Late.Karuppiah, aged 25 years, before this Court and set her at liberty.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.K.Dinesh Babu, - for R1 & R-2
Additional Public Prosecutor
: Mrs.K.Mahalakshmi - for R3 & R4

O R D E R

[Order of the Court was made by **DR.ANITA SUMANTH, J.**]

The petitioner in the Habeas Corpus Petition, is the husband of the detenu, namely, Ms.Suriya, (henceforth 'detenu') aged 25 years.

2. The facts as culled from the petition as well as the submissions of the learned Counsel for the petitioner are as follows.



(i) The petitioner and the detenu met at their work place, a seafood export company. After a romantic relationship of about three (3) years, they decided to tie the knot on 07.07.2017 at a Temple in Trichy. The marriage was registered before the Sub-Registrar, K.Sathanur, Trichy on the same day.

(ii) Admittedly, thereafter, the petitioner and the detenu have been living separately in their respective parental homes.

(iii) On 06.05.2018 the petitioner received a telephone call from the fourth respondent informing him that the third respondent, who is the aunt of the detenu is arranging to have the marriage of the detenu performed with somebody else.

(iv) Upon visiting respondents 3 and 4, he was threatened with dire consequences and asked to leave the premises immediately.

(v) According to the petitioner, his wife, the detenu is in illegal detention with the third respondent.

(vi) A complaint thus came to be filed by the petitioner before the second respondent, the Inspector of Police, Jegathapattinam Police Station, Pudukkottai District on 07.05.2018 in C.S.R.No.32 of 2018.

(vii) As no effective steps, according to the petitioner, have been taken by the police authorities till date to cause enquiry upon the complaint filed and secure the detenu, the present petition has come to be filed before this court.

1.

3. We have heard Mr.Suresh learned counsel for the petitioner, Mr.Dinesh Babu, learned Additional Public Prosecutor for the official respondents and Mrs.Mahalakshmi, learned Counsel for respondents 3 & 4. We have also had occasion to interact with the petitioner and the detenu, both of whom are present in Court, the latter along with her mother and cousin.

4. The detenu is aged 25 years, her date of birth being 10.05.1993. She has confirmed in no uncertain terms that she is not being detained by the private respondents and all her actions are out of her own free will and volition. As as as the prayer in this petition is concerned, the matter ends here and we need go no further since, admittedly, the detenu is a major, aged 25 years, her date of birth being 10.05.1993. In the aforesaid circumstances, and in view of the crystal clear statement of the detenu to the effect that she is not being illegally detained against her wishes, nothing further survives in this petition.

5. The learned Counsel appearing for the petitioner however <https://hcmj.sco.nic.gov.in/services/> and desperate plea on behalf of his client to persuade us to refer the matter to mediation to enable the parties to sort out their differences and arrive at an amicable solution.



However, when we put his request to the detenu for her consent, she states that she has no interest in entering into any dialogue in this regard. We are thus not in a position to accede to the request of the petitioner in this regard.

6. Needless to say, the parties are at liberty to take such action as they may desire hereinafter, strictly in accordance with law.

7. In view of the above discussion, this Habeas Corpus Petition is closed.

Sd/-

Vacation Officer(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Inspector of Police,
Jegathapattinam Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.M.Suresh , Advocate in SR No. 65376
+ 1 cc TO Mrs.K.Mahalakshmi , Advocate in SR No. 65381

RM/PM

AE/KKR/SAR1/30.05.2018/3P/6C

**ORDER MADE IN
H.C.P. [MD] .No.693 of 2018
16.05.2018**