



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.11.2018
CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

H.C.P.[MD].No.1552 of 2018

Vimala : Petitioner

Vs.

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

2.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari.

3.Jayapaul

4.Sri Dev

5.Vinu

6.Tamil Selvan

: 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 to produce the body or corpus of the petitioner's daughter-in-law, viz., J.D.Dicksona, D/o.Jeyapaul, aged 21 years, and set her at liberty.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents 1&2 : Mr.V.Neelakandan

Additional Public Prosecutor

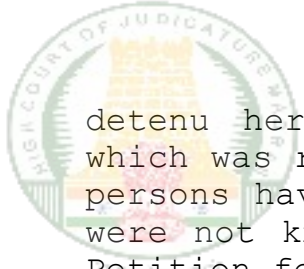
For Respondent No.3 : Mr.S.R.Anbarasu

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The present Habeas Corpus Petition has been filed by the mother-in-law of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or corpus of the petitioner's daughter-in-law, viz., J.D.Dicksona, D/o.Jeyapaul, aged 21 years and set her at liberty.

2. According to the petitioner, the marriage between her son and the detenu was solemnized on 11.10.2018. After the marriage, her son and the detenu decided to approach the second respondent seeking police protection, since the said marriage was against the wish of the parents of the detenu. While the son of the petitioner and the detenu were on the way to the second respondent police station, the respondents 3 to 6 herein, along with their henchmen, brutally attacked her son with aruval and kidnapped her daughter-in-law, the



detenu herein. In this regard, the petitioner made a complaint, which was registered in Crime No.260 of 2018, on 12.10.2018 and four persons have been arrested. Since the whereabouts of the petitioner were not known, the petitioner has come up with this Habeas Corpus Petition for the relief stated supra.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu. When we enquired the detenu, she has denied the very factum of marriage between her and the son of the petitioner. The detenu has also stated that she is not willing to join the hands of the petitioner.

4. The son of the petitioner was also produced before us with injuries. He was brought to the Court with the help of others. He was not in a position to walk and stand. His legs have been completely covered with bandage. The petitioner has stated that her son has been brutally attacked. The petitioner has further stated that fearing for the respondents 3 to 6, the detenu has made such a false statement denying the marriage between her son and the detenu. The above statement was denied by the detenu.

5. In our considered view, this Court cannot go into the above disputed question of fact. Since the detenu has expressed her view that she is not willing to go along with the petitioner and as the detenu is not in illegal custody, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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

2.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.R.Anbarasu Advocate in SR.No.95570

ORDER MADE IN
H.C.P.[MD].No.1552 of 2018
14.11.2018