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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

H.C.P.(MD)No.1389 of 2018

K.B.Prabu : Petitioner

vs.

1. The Commissioner of Police,
Madurai District,
Madurai.

2. The Inspector of Police,
Theppakulam Police Station,
Madurai District.

3. Prema : Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of petitioner's wife namely "Bakiyalakshmi", wife of K.B.Prabu, aged 21 years, the detainee in the present case before this Court and set her at liberty.

For Petitioner	: Mr.A.Joseph Jerry
For Respondents	: Mr.K.Dinesh Babu
1 & 2	Additional Public Prosecutor

O R D E R

[Order of the Court was made by T.RAJA, J.]

Mr.K.B.Prabhu has filed this Habeas Corpus Petition seeking a direction to the Commissioner of Police, Madurai District and the Inspector of Police, Theppakulam Police Station, Madurai, to produce his wife viz., K.Bhakiyalakshmi, aged 21 years before this Court and set her at liberty.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned Counsel appearing for the petitioner



submitted that over a period of four long years both the petitioner and the detinue had love affairs and ultimately, they have been living together at Valarnagar in Uthankudi, Madurai District. The detinue was pursuing her college education at Thiagaraja Arts and Science College at Theppakulam, Madurai. After some time, the petitioner found some changes in the detinue's attitude. While so, in the year 2017, the detinue's mother invited both the petitioner and the detinue for a temple festival. Accepting the invitation, both of them visited the house of the third respondent. After some time, the petitioner came out leaving the detinue at her mother's place. Subsequently, when he returned to the third respondent house, the third respondent has not permitted the petitioner to see the detinue. In view of the change in the attitude of the third respondent, the petitioner was advised to come to this Court with the aforementioned prayer.

3. After issuance of notice, the respondents 1 and 2 produced the detinue and her mother, the third respondent herein and also the petitioner. When we interrogated the detinue, although she expressed her willingness to go with the petitioner, surprisingly, the petitioner was not ready to take her back to his home. The mother of the petitioner, the third respondent herein also stated that if the petitioner is not ready and willing to take the detinue, she would take care of the detinue. It is, at this juncture, we asked Ms. Chamundi Bose, learned Advocate and Mr. K. P. Narayanakumar, learned Advocate, to have a discussion with both the petitioner and the detinue by taking them to the Mediation and Conciliation Centre. After a detailed discussion in the presence of the third respondent, the petitioner clearly indicated that he is not willing to take back the detinue to his home. The detinue Ms. K. Bhakiyalakshmi @ Bhavani also understanding the mind of the petitioner decided to go back to her mother's house and they have also filed a separate affidavit. The affidavit filed by the petitioner shows that he has decided to separate from Ms. K. Bhakiyalakshmi @ Bhavani and he has further averred that he will not claim any manner of right towards the detinue and also will not extend any mode of threat against the detinue Ms. K. Bhakiyalakshmi @ Bhavani. The affidavit filed by the detinue Ms. K. Bhakiyalakshmi @ Bhavani also shows that no form of marriage was solemnised between her and the petitioner.

4. The mediation report filed by Ms. Chamundi Bose and Mr. K. P. Narayanakumar, mediators, also clearly shows that both the petitioner and the detinue have admitted to separate. Since the detinue is also willing to go with her parents, accepting the affidavit filed by both the parties, the third respondent is at liberty to take her daughter Ms. K. Bhakiyalakshmi @ Bhavani to her

5. We place our appreciation for the assistance rendered



by Ms.Chamundi Bose and Mr.K.P.Narayanakumar, mediators, to amicably settle the issue.

6.With the above observation the Habeas Corpus Petition is disposed of.

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Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Commissioner of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Theppakulam Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 2 CC TO Mr.A.JOSEPH JERRY, ADVOCATE IN SR No. 87868

SRM

TE/PM/SAR-4 : 29/10/2018 : 3P/6C

Order made in
H.C.P. (MD) No.1389 of 2018
Dated:- 27.09.2018