

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.230/2019

M.Ganesan

.. Petitioner

vs.

The State rep.by
The Inspector of Police
J1 Saidapettai Police Station
Chennai-15.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondent police to produce the petitioner's wife Mrs.Logalakshmi [aged 24 years] W/o.M.Ganesan, in person before this Court and set her at liberty forthwith.

For Petitioner .. Mr.S.Palani
For Respondent .. Mr.C.Iyyappa Raj, APP
For Detenue ... Mr.M.Arun

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

This matter was taken out of turn on 18.02.2019 for the reason that the detenue was produced and she also expressed her inclination to go with her parents.

2 The learned counsel for the petitioner has drawn the attention of this Court to page No.1 of the typed set of documents and would submit that for solemnising the marriage between the detenue and the petitioner, who claims to be the husband of the detenue, A/M Sri Naga Kanniamman Putru Thirukoil, Chennai-77, has issued a receipt bearing No.658, stating that the date of marriage was 12.12.2018 and prior booking was done on 01.11.2018 and the photograph has also been annexed wherein, the petitioner is garlanding the detenue and in the light of the photograph, it can be construed that there exist a valid marriage between the petitioner and the detenue.

3 Mr.C.Iyyappa Raj, learned Additional Public Prosecutor appearing for the State would submit that the said receipt cannot be taken as a valid proof of marriage and in the light of the statement made by the detainee/victim before this Court on 18.02.2019, that against her will, she was taken by the petitioner, this Court may pass appropriate orders.

4 This Court has carefully considered the rival submissions and also perused the materials placed before it.

5 As rightly pointed out by the learned Additional Public Prosecutor appearing for the State, the alleged receipt bearing No.658 said to have been issued by A/M Sri Naga Kanniamman Putru Thirukoil, Door No.22, Arjunamedu, Tiruverkadu, Chennai-77, cannot be construed as a proof for a valid marriage. It is also pertinent to note at this juncture that Hindu Marriage Act prescribes certain formalities to be complied to declare the marriage as a valid marriage and in the absence of the same, the submission made by the learned counsel for the petitioner as to the validity of the said marriage in the light of the said receipt, cannot be accepted.

6 This Court taking into consideration of the fact that the detainee is a major and would like to be with her parents and to pursue her academic career, is of the considered view that she is not under illegal custody/detention at the hands of her parents.

7 Hence, the Habeas corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Inspector of Police
J1 Saidapettai Police Station
Chennai-15.

2.The Public Prosecutor,
Madras High Court, Madras.

H.C.P.No.230/2019

SSD(CO)
rrs 27/03/2019