

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2019

CORAM

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

HCP.No.373 of 2019

Aravindhan

..Petitioner

Versus

1.The State Rep.by
The Superintendent of Police,
Vellore District,
Vellore.

2.The State Rep.by
The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Vellore district.

3.Thiyagarajan ..Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce the detainee namely Keerthana, wife of Aravindhan, aged 22 years before this Court who is illegal custody by the 3rd respondent and set her at liberty.

For Petitioner : Mr.D.K.Nepolean
For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be the husband of the detainee, came forward to file this Habeas Corpus Petition alleging that the detainee is in illegal custody at the hands of her father, namely the 3rd respondent.

2. When the matter was listed for hearing on 19.02.2019, notice was ordered returnable on 01.03.2019. The matter was again listed on 25.02.2019 and on that day, the detainee was produced before this Court and she stated that her marriage was a love marriage and it was also registered with the Registrar of Marriages, Arakkonam, vide Certificate of Registration of

Marriage in SI.No.3/2018 dated 26.02.2018 and she further stated that she has been subjected to torture at the hands of the petitioner as well as by his parents and on her own volition came back to the parental home and claimed to have filed a petition for dissolution of marriage.

3. When the matter was again listed on 01.03.2019, the detinue turn around and stated that she want to go with the petitioner, who said to be her husband. In the light of the said stand taken by the detinue, this Court felt that the detinue has to take a call with regard to her future and thought fit to order that she should be kept at Madras Christian Council of Social Welfare, No.21, 6th Main Road, Jawahar Nagar, Perambur, Chennai-600 082 for a period of one week for her well being and safety.

4. When the matter is listed today, the detinue as well as the petitioner are present before this Court. The detinue was enquired and she would state that she is willing to go with the petitioner only.

5. Though the learned counsel appearing for the petitioner by drawing attention of this Court to various "Whatsapp" messages of the detinue with her parents that she is subjected to torture at the hands of the petitioner and also his parents, in the light of the fact that the detinue is a major, aged about 22 years and she got married to the petitioner and also produced the above cited Certificate of Registration of Marriage, this Court is left with no other option, as she being a major, to set her at liberty so as to enable her to take her own decision for her future welfare and well being.

6. This Habeas Corpus Petition is disposed of accordingly.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

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

2.The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Vellore district.

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3.The Public Prosecutor
High Court, Madras.

HCP.No.373 of 2019

SSV(CO)
SP(05/04/2019)



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