

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

HABEAS CORPUS PETITION NO.1885 OF 2019

V.Vignesh

... Petitioner/Husband of the
Detenu

vs.

1. The State by
The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
3. Rajaram ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, seeking a direction to the 2nd Respondent to produce the Petitioner's wife Sneha, W/o.Vignesh, aged 19 years, now illegally detained by the 3rd Respondent, before this Court and set her at liberty.

For Petitioner : Mr.P.Pugalenth

For Respondents 1 & 2 : Mr.R.Prathap Kumar,
Additional Public
Prosecutor

For 3rd Respondent : Mr.S.T.Bharath Gowtham

O R D E R

[Order of the court was made by M.M.SUNDRESH,J.]

Petitioner, who claims to be the husband of the detenu has come up with this Petition seeking production of the detenu.

2. The detenu viz. Sneha as well as the Petitioner are present before this Court. The detenu denies the factum of

marriage. According to her, the Petitioner tied the Mangalsutra forcibly, without conducting any ceremony and that the marriage is not a legal one. She further stated that, the Petitioner, apart from threatening her with dire consequences, had demanded a huge sum of money from her.

3. Learned Additional Public Prosecutor submitted that the investigation also reveals that the Petitioner married the detenu, forcibly.

4. Furthermore, we find that the Petitioner was not even 21 years old at the time of the alleged marriage and that the detenu is not willing to go with the Petitioner. The Petitioner has also agreed before this Court that he will not disturb the detenu any further. Looking at from any perspective, there is no sanctity in the marriage between the Petitioner and the detenu.

5. In view of the above, we do not find any illegal detention involved in this case and hence, this Habeas Corpus Petition stands dismissed. However, the Investigating Officer is directed to give sufficient police protection to the detenu.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

To

1. The State by
The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.T.Bharath Gowtham, Advocate, S.R.No.80526

+1cc to Mr.P.Pugalenth, Advocate, S.R.No.80391

H.C.P.No.1885 of 2019

CA(CO)
CS/31/10/2019