



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and  
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 2661 of 2019

N.Sudha

... Petitioner

-vs-

1.The State of Tamil Nadu  
Rep.by its Superintendent of Police,  
Erode, Erode District.

2.The Inspector of Police,  
Ammapettai Police Station,  
Erode District.

3.P.Sanjiv

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing respondents 1 and 2 to produce the detenu Ms.Sanjupriya, aged about 21 years, daughter of Mr.R.Natarajan before this Court and set her at liberty.

For Petitioner : Mr.P.Kannankumar

For Respondents : Mr.R.Prathap Kumar  
Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu seeking her custody from the alleged illegal custody of the third respondent.

2.The learned Additional Public Prosecutor submitted that a complaint was given by the husband of the petitioner and enquiry was conducted in which the detenu and her husband, namely the



third respondent were present. The detinue and the third respondent got married before the Sub-Registrar Office, Bhavani, Erode on 13.02.2019, which was also informed to the petitioner's husband. The petitioner's husband also gave a letter stating that as he did not like the marriage and the same has been conducted already, he and his family members will not interfere with her life. Now, the petitioner has come forward to file this writ petition on the premise that she has not been called for the enquiry.

3. We do not wish to entertain this writ petition. There appears to be a reason for not acknowledging the marriage as the petitioner and the detinue belong to a particular community as against the community of the third respondent. Suffice it to state that the detinue and the third respondent love each other and got married and the marriage has also been registered. The address of the detinue has also been given before the police and she is residing at Kittampatti, Chennampatti Post, Andhiyur Taluk, Erode District with Mobile No.9976766455. If the petitioner wants to talk to the detinue, it is well open to her to talk to her.

4. Suffice it to state that there is no illegal detention involved in this case. We make it clear that it is well open to the petitioner to not only call the detinue over phone but also meet her, in that eventuality, we do not expect any obstruction or disturbance from the hands of the third respondent.

5. In view of the above, the Habeas Corpus Petition stands closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police, Erode, Erode District.
2. The Inspector of Police,  
Ammappettai Police Station, Erode District.
3. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.P.Kannankumar, Advocate Sr.No. 100313

AKM/08.01.2020/2P-5C /

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