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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.591 of 2019

Vasanth Pandian

... Petitioner

Vs.

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

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

3.Tamilvendan

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 2nd Respondent herein to produce the body or person of the detainee by name Yazhini, W/o.P.Vasanth Pandian, aged about 25 years, who has been illegally detained by the 3rd Respondent, and produce her before this Hon'ble Court and set her at liberty.

For Petitioner

: Mr.R.Ilayaraja

For Respondents 1 & 2

: Mr.K.Dinesh Babu
Additional Public Prosecutor

For 3rd Respondent

: Mr.R.Shankar Ganesh

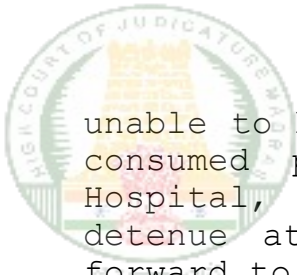
For the Detenue

: Mr.S.Babu

O R D E R

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

The petitioner is the husband of the detainee and according to him there was a love affair between him and the detainee and they got married on 06.06.2013 and it was registered with the office of the Joint Sub-Registrar-I, Erode in Marriage Serial No.336/2013 and they started living as husband and wife. The petitioner would further aver that the marriage between his parents was an inter-caste and therefore, the parents of the detainee opposed the marriage and



unable to bear with the torture exerted by her parents, the detenue consumed poison and had taken treatment at Meenakshi Mission Hospital, Madurai. The petitioner alleging illegal custody of the detenue at the hands of the third respondent, her father, came forward to file this Habeas Corpus Petition.

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2.This Habeas Corpus Petition was entertained on 04.07.2019 and a mention has been made today to take the case out of turn as the detenue has been produced. The detenue appeared before this Court along with her affidavit dated 16.07.2019. The detenue was also enquired and she would state that unable to bear the torture given by the petitioner, she consumed poison and at present she is in wheelchair on account of the poison she took and she is yet to recover. When this Court put a specific question to the petitioner as to whether she is willing to go along with the petitioner, she has stated that she is not willing to go to the matrimonial home. The petitioner, who is present before this Court, is also enquired and he denied the allegations/statements given by the detenue and prayed that she may be sent along with him.

3.This Court considered the rival submissions and perused the materials placed before it.

4.The detenue is a B.E. Graduate. She is also a major and she is also having knowledge and wisdom about. Since the detenue has expressed her disinclination to join the company of her husband and she being a major, this Court cannot compel her to join the petitioner. The detenue is set at liberty. She is entitled to take a call on her future and wellbeing.

5.The Habeas Corpus Petition is dismissed. If the petitioner is so advised and if it is available under law, he can workout his remedy before the competent forum.

Sd/-

Assistant Registrar (AS)

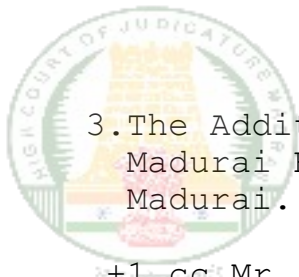
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Sub Assistant Registrar(CS)

To

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

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



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc Mr. S.BABU ,Advocate, SR.No. 75835

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17.07.2019

SJ
KK/SAR/29.07.2019/3P-5C