



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.628 of 2019

N.Nabil

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 3.Ramachandran

... 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 Respondents to produce the petitioner's wife Ajitha daughter of Ramachandran, aged about 25 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.A.Rajkumar Sen

For Respondents 1 & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The petitioner claims that he is an B.E. Graduate and had studied in Mar Ephraem Engineering College at Kanyakumari District during the academic year 2011-2014 and by that period the detainee aged about 25 years, has also studied in a nearby college and they had developed love and continued their relationship. The petitioner got a job at Indian Rare Earth Limited, Manavalakurichi and so also the detainee and from July, 2018, they started living as husband and wife and on account of the religious differences, the petitioner also took a decision to convert as Hindu and married the detainee at Perumal Kovil, Nanguneri and lead a happy married life.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The learned counsel for the petitioner would submit that the third respondent/father of the detainee lodged a complaint to the second respondent police, which lead to the registration of the



F.I.R. in crime No.284 of 2019 for women missing, pursuant to which, she was forcibly taken from the petitioner and detained by the third respondent father against her wishes and hence, prays for her production and set her at liberty.

3.Per contra, the learned Additional Public Prosecutor on instructions would submit that the detinue was secured and her custody was entrusted with Suraksha Short Stay Home and thereafter, she was produced before the Court of Judicial Magistrate, Eraniel and she expressed her willingness to go along with her parents and accordingly the learned Judicial Magistrate passed orders granting custody of the detinue to the third respondent.

4.This Court considered the rival submissions and also perused the materials produced before this Court.

5.In the light of the production of the detinue before the jurisdictional Magistrate Court and that the learned Magistrate also passed orders after ascertaining the willingness of the detinue to go along with her parents, this Court is of the view that no orders could be passed in favour of the petitioner. However, the petitioner is at liberty to workout his remedy in accordance with law before the competent forum.

6.The Habeas Corpus Petition is dismissed with the above observations.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

sj
To

1.The Superintendent of Police,Kanyakumari District.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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

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