



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

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**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

H.C.P. (MD)No.646 of 2019

Muthuraj

... Petitioner

Vs.

1. The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2. The Sub-Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

3.Kannan

4.Duraipandy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the body of the detenu namely Induja, wife of Muthuraj, aged about 19 years, petitioner's wife, before this Court and set her at liberty.

For Petitioner : Mr.V.Balasubramanian

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 and R.2

ORDER

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

The petitioner claims to be the husband of the detenu, viz., Induja, aged about 19 years and according to the petitioner, the detenu is the daughter of his close relative viz., the third respondent and that both the detenu and the petitioner loved each other and got married at Mumbai on 25.06.2019 and thereafter, lived as husband and wife. The petitioner, alleging that his wife



has been kidnapped and kept against her wishes in the illegal custody/detention by the respondents 3 and 4, has come forward to file this Habeas Corpus Petition.

2. The petitioner, detenu and her parents are also present before this Court.

3. This Court has enquired the detenu and she would state that on account of love with each other, she married the petitioner and she would further state that she is studying final year B.C.A., course at Tirunelveli and her parents also assured that after completion of B.C.A., she is entitled to take a call on her own volition. The detenu expressed her inclination to stay with her parents for the purpose of continuation of studies. The parents of the detenu are also present before this Court and are also enquired and they would state that in order to complete the education of her daughter, they would like their daughter to stay with them and would further state that they will not take any steps to give her marriage to any other person and her welfare and interest will be taken care of.

4. The learned Additional Public Prosecutor appearing for the State would state that based on the complaint given by the petitioner, C.S.R.No.415 of 2019 has been registered and the said petition would be kept in alive, as long as the detenu stays with her parents.

5. In the light of the above facts and circumstances, the detenu being a major, is set at liberty and since she has expressed her inclination to stay with her parents till the completion of her studies and also in the light of the assurance given by the parents before this Court that her well-being and future would also been taken care of and further that she is entitled to take a call on her own future and she will not be given marriage to any other person, no further orders would be passed in this Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (AD-II)

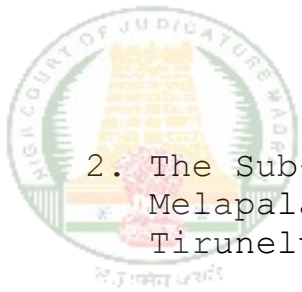
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Sub Assistant Registrar(CS)

To

1. The Commissioner of Police,
Tirunelveli City, Tirunelveli.

<https://hcservices.tn.courts.gov.in/services>



2. The Sub-Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

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

+1 CC to Mr.V.BALASUBRAMANIAN, Advocate (SR-78894[F] dated
31/07/2019)

+1 CC to Mr.K.SRINIVASARAGAVAN, Advocate (SR-79321[F] dated
02/08/2019)

H.C.P. (MD) No. 646 of 2019
31.07.2019

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