



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 05.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 733 OF 2019

WEB COPY

Santhosh

.. Petitioner

- Vs -

1. The Superintendent of Police
Kanyakumari District @ Nagercoil.

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

3. Rajagopalan

4. Johney Mary

5. Eugin

6.Rejin

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the body or person of the detainee, viz., Jani, W/o Santhosh, aged about 22 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. T.Jeen Joseph

For Respondents : Mr. K.Dinesh Babu, APP for RR-1 & 2

ORDER

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

The petitioner is the husband of the detainee, viz., Jani, aged about 22 years, who is also the daughter of respondents 3 and 4 and according to him, there was love between the petitioner and the detainee and they got married on 13.1.19 and it was also registered with the office of the Sub Registrar, Munchirai, Kanyakumari District vide Marriage Sl. No.TMR/Munchirai/34/2019. The petitioner further stated that for the purpose of continuation of the B.Ed., course, the petitioner permitted his wife, viz., the detainee, to stay in her parental house. However, against her wishes, she has been kept under illegal custody and also put to physical and verbal abuse and, therefore, he submitted a complaint in this regard to the 2nd respondent, which has failed to evoke any response and,



therefore, the petitioner is constrained to approach this Court by filing this petition.

2. Heard the learned counsel appearing for the petitioner and Mr.Dinesh Babu, learned Addl. Public Prosecutor, accepts notice for the 2nd respondent and on instructions, submit that the detinue has filed a suit in O.S. No.102/2019 on the file of the Court of District Munsif at Kuzhithural to declare that the marriage between her and the petitioner herein, registered on 22.1.19, in Sl. No.TMR/Munchirai/34/2019 as null and void and in the light of the said development, this habeas corpus petition is not maintainable and, therefore, prays for dismissal of this petition.

3. In response to the same, learned counsel appearing for the petitioner, on instructions, submit that the petitioner may be permitted to work out his remedy in accordance with law.

4. This Court has carefully considered the rival submissions and also perused the materials available on record.

5. In the light of the said development, nothing survives for adjudication in this petition and, accordingly, this habeas corpus petition is closed. However, the petitioner, if so advised, is always at liberty to work out his remedies in accordance with law before the competent forum/(s).

6. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police
Kanyakumari District @ Nagercoil.
2. The Inspector of Police
Puthukadai Police Station,
Kanyakumari District.
3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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