



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2019

CORAM

WEB COPY

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

H.C.P (MD)No.873 of 2019

M.Selvakumar

... Petitioner/
Husband of the detenue

Vs.

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

2. The Inspector of Police(Law and Order),
Bodinayakanur Taluk Police Station,
Bodinayakanur,
Theni District.

3.P.Elangovan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's wife namely E.Abithra, aged about 23 years, D/o P.Elangovan, now detained by the third respondent and set her at liberty before this Court.

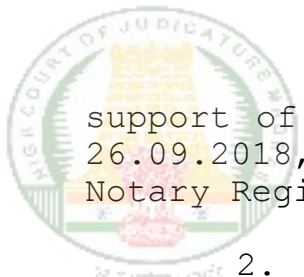
For Petitioner : Mr.M.Marimuthu

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 a lover of the detenu viz., E.Abithra, aged about 23 years and according to him, they got married on 26.09.2018 at Chinnamanur, Theni District as per Hindu Rites and Customs, in the presence of relatives and friends and in



support of the same, he has also filed a marriage affidavit, dated 26.09.2018, notarised by an Advocate and Notary viz., P.Murugan, Notary Register No.G.O.(ms)No.153 of 2018.

2. It is a specific case of the petitioner that ever since the marriage, both of them are living as husband and wife and during march 2019, the detenu has disclosed the factum of marriage to her parents and subsequently, her parents threatened her with dire consequences and kept her under illegal custody and detention and also made attempts to marry her to somebody else and hence, he came forward to file this Habeas Corpus Petition.

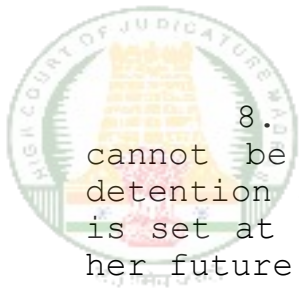
3. Yesterday, this matter was moved by way of lunch motion. Taking into consideration the fact that the marriage of the detenu with somebody else is yet to be held on 01.09.2019, this Court directed the second respondent police to cause production of the detenu and accordingly, the detenu is produced before this Court and the parents of the detenu are also present and so also the petitioner.

4. The detenu would state that she is not interested in going with the petitioner and she wants to marry one S.Ramkumar, with whom the marriage is to be solemnized on 01.09.2019. The parents of the detenu would state that the marriage is to be solemnized on 01.09.2019 and in the event of any adverse order, their reputation would be spoiled and so also the career of their daughter would be affected.

5. The petitioner, who is also present, on enquiry, would state that ever since the date of marriage on 26.08.2019, they are living as husband and wife and against her wishes, she is kept under illegal custody and detention by her parents and she did not want to come with him, on the ground that she has been threatened with dire consequences.

6. This Court heard the learned Counsel appearing for the petitioner as well as Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

7. The detenu has completed B.Sc., Nursing and on interaction, it appears that on her own volition, she wants to be with her parents and also agree with the marriage proposal and she is getting married on 01.09.2019 with one S.Ramkumar. Though the learned Counsel appearing for the petitioner would state that the detenu would have been threatened with some consequences, we are not in a position to take cognizance of the said submission, for the reason that the detenu is a well educated girl and on her own volition, wants to be with her parents and also accepted the marriage proposal initiated by her parents and she is also getting married on 01.09.2019.



8. In the light of the above facts and circumstances, it cannot be stated that the detenu is under illegal custody and detention at the hands of her parents. The detenu, being a major, is set at liberty and she is entitled to take a call with regard to her future and well being.

WEB COPY

9. The Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

ssl

To

- 1.The Superintendent of Police,
Theni District, Theni.
- 2.The Inspector of Police(Law and Order),
Bodinayakanur Taluk Police Station,
Bodinayakanur,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. MARIMUTHU, Advocate SR-84926.

H.C.P(MD)No.873 of 2019

30.08.2019

CS(01.11.2019) 3P 5C