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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.283 of 2020

D.Chaarles
S/o.Divyanathan

... Petitioner

Vs

1.The State represented by
The Inspector of Police,
Thudialur Police Station,
Coimbatore District.

2.Ramarathinam

3.Poongodi
W/o.Ramarathinam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing first respondent to produce the petitioner's wife viz., Sowmiya, aged 27 years, before this Court and set her at liberty.

For Petitioner : Mr.Deepanuday

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor [R1]
Mr.P.Saravana Sowmiyan [R2 & R3]

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the husband of the detainee viz., Sowmiya, aged 27 years and has filed the present petition seeking a direction to first respondent to produce the detainee before this Court and set her at liberty.



2. Heard learned counsel for petitioner, learned Additional Public Prosecutor appearing for first respondent and learned counsel appearing for respondents 2 and 3.

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3. Learned counsel for petitioner submits that the petitioner and the detenue were in love with each other and married against the wishes of respondents 2 and 3, who are none other than the parents of the detenue. While so, the detenue went missing from 21.12.2019. Apprehending that respondents 2 and 3 would have kidnapped his wife, petitioner preferred a complaint to first respondent on 22.12.2019 and thereafter, filed the present petition seeking the aforesaid relief.

4. Today, the detenue is produced. On enquiry, the detenue stated that she married the petitioner on 25.05.2019 at Periyar Dravidar Kazhagam Office functioning at Periyar Padipagam, Pudhu Sithapudhur (PO), Coimbatore District. After marriage, petitioner harassed her under the influence of alcohol as also brutally assaulted her. Therefore, the detenue called her parents, gone with them and lodged a complaint against the petitioner. The detenue further stated that yet another case was registered against the petitioner since he trespassed into her parents' house, troubled them as also caused damage to the household articles. The detenue, without any hesitation, stated that she is not under any illegal detention and also expressed her unwillingness to speak with the petitioner.

5. This Court also enquired the petitioner, who is present before this Court. Petitioner denies the allegations made by detenue.

6. Be that as it may, this Court finds that it is purely a family dispute and there is no illegal detention of the detenue. Hence, nothing survives for further adjudication in this petition.

Accordingly, the Habeas Corpus Petition is closed. It is open to the petitioner to approach the appropriate forum in the manner known to law.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



To

1.The Inspector of Police,
Thudialur Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Deepan Uday, Advocate Sr.16424

+lcc to Mr.Saravana Sowmiyan, Advocate Sr.16998

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mg[co]
srg 09/07/2020