

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 13.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.323 of 2020

K.Palanisamy

... Petitioner

versus

1.Inspector of Police,
Cheyur Police Station,
Tirupur District.

2.Mithun Kumar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the first respondent to produce the petitioner's wife R.Nandhini Priya, aged 21 years from the custody of the second respondent and produce before this Court and set her at liberty.

For Petitioner : Mr.T.Arul

For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor for R1

O R D E R

(Order of this Court was made by R.SUBBIAH,J.)

This Habeas Corpus Petition has been filed seeking a direction to the first respondent to produce the petitioner's wife R.Nandhini Priya, aged 21 years from the custody of the second respondent before this Court and set her at liberty.

2.The petitioner is the husband of the detainee viz. R.Nandhini Priya, aged 21 years. The petitioner has stated in the affidavit filed in support of this petition that the marriage between him and the detainee was taken place on 02.12.2019 at Arulmigu Kalliyaman Kovil, Tirupur District as per Hindu rites and customs. Before the marriage, the detainee was kidnapped by the second respondent and in this regard, her father lodged a complaint before the Inspector of Police, Cheyur Police Station, Tiruppur District in Crime No.401 of 2019 on 14.11.2019. Thereafter, she went along with her parents. After

their marriage, now the detainee was again kidnapped by the second respondent along with 20 sovereigns of gold ornaments. The petitioner lodged a complaint before the first respondent on 02.02.2020. Since the police has not taken any action to secure the detainee, the petitioner is before this Court with the present Habeas Corpus Petition.

3.Today, when the petition is taken up for consideration, the detainee is produced before this Court.

4.On enquiry, the detainee submitted before this Court that she had love affair with the second respondent. Since her parents has not agreed for the marriage with the second respondent, she left the house on her volition and married the second respondent on 15.11.2019. When she came to know about the complaint made by her father, she returned the house within a short span of time. Thereafter, they arranged the marriage with the petitioner against her wish and the same was held on 02.12.2019. As the said marriage was arranged against her wish, she left the house and went along with the second respondent. Now she expressed her un-willingness to go along with the petitioner and that there is no illegal detention.

5.In view of the submission made by the detainee to the effect that there is no illegal detention, nothing survives for further adjudication in this Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed. The petitioner is at liberty to work out his remedy before the appropriate forum.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.Inspector of Police,
Cheyur Police Station,
Tirupur District.

2.The Public Prosecutor,
High Court, Madras.

H.C.P.No.323 of 2020

PA(CO)
SP(12/03/2020)