

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice V.SIVAGNANAM
H.C.P.No.439 of 2021

K.Ajith Kumar
S/o.Kumar
No.73/5, Ambedkar Street
Chinnakumatti
Bhuvanagiri Taluk
Cuddalore District -608 501

.. Petitioner

Vs.

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

2. The Inspector of Police,
Salavakkam Police Station,
Chengalpattu District.

3. Elumalai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents to rescue the petitioner's wife Jayanthi, aged about 18 years, and produce her before this Court and set her at liberty.

For Petitioner : Mr.D.Ashokkumar
For RR 1 and 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM.]

This habeas corpus petition has been filed seeking to direct the respondents to rescue the petitioner's wife Jayanthi, aged about 18 years, and produce her before this Court and set her at liberty.

2. It is the case of the petitioner that she got married to Jayanthi, aged about 18 years, on 21.10.2020 in Sri Krishna Mahal Thirumana Mandapam, South Street, Kilvelur, Nagapattinam and now Jayanthi is in the illegal custody of her father Elumalai, third respondent herein.

3. On instructions, the learned Additional Public Prosecutor submitted that earlier Jayanthi went missing on 05.10.2020 and on a complaint given by the third respondent, a case in Salavakkam Police Station Crime No.1188 of 2020 was registered for 'girl missing' and Jayanthi was secured by the police on 29.10.2020. She was produced before the Judicial Magistrate, Uthiramerur, on 10.11.2020 and on the directions of the learned Magistrate, custody of Jayanthi has been handed over to her parents in C.M.P.No.900 of 2020.

4. We are not satisfied with the excerpctions of the petitioner that he got married to Jayanthi in a marriage hall during COVID-19 pandemic situation as alleged by him in his affidavit.

In view of the above discussion, this is not a fit case to issue a writ of habeas corpus, as Jayanthi cannot be said to be in the illegal custody of the third respondent.

Hence, this habeas corpus petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Uthiramerur.

2.The Superintendent of Police,
Chengalpattu District,
Chengalpattu.

3.The Inspector of Police,
Salavakkam Police Station,
Chengalpattu District.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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GPL (CO)
CSR 09.04.2021