

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 617 of 2020

P.Vignesh

.. Petitioner

Vs

1.The State

Rep. by the Inspector of Police,
Arani Taluk Police Station,
Thiruvannamalai District.

2.Muthu Ramalingam

3.The Superintendent of Police,
Thiruvannamalai District.

(R3 suo motu impleaded vide order dated
17.03.2020)

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the first respondent to secure and produce the petitioner's wife Aridevi, the detainee aged 20 years and now under the illegal custody of the second respondent before this Court and set her at liberty.

For Petitioner : Mr.V.Pavel

For Respondents: Mr.R.Prathap Kumar,
Addl.Public Prosecutor
for R1 and R3
Mr.G.Nirmal Krishnan
for detainee

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ORDER

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

Seeking a direction to the first respondent to secure and produce the petitioner's wife Aridevi, the detainee aged 20 years and now under the illegal custody of the second respondent before this Court and to set her at liberty, the present habeas

corpus petition has been filed.

2.It is the case of the petitioner that he married Aridevi on 11.10.2019 and that the marriage has been registered in the office of the Sub Registrar, Arani vide Certificate No.TMR/164/2019 and that his wife is in the illegal custody of her father.

3.Today, Mr.P.Prabakaran, Head Constable, Arani Taluk Police Station is present. Today, Aridevi is also present with her father Muthu Ramalingam.

4.When enquired by us, Aridevi stated that the petitioner was her friend and that he duped her by having the marriage registered on 11.10.2019 and that she wants to remain with her father. Aridevi is not a minor since her date of birth is 16.03.2001.

5.We do not find that Aridevi is in the illegal custody of her father. Therefore, this habeas corpus petition stands closed. It is open to Aridevi to have the marriage registration cancelled in the light of the judgment of the Division Bench of this Court in S. Balakrishnan Pandiyan & Another vs. The Superintendent of Police & Others (HCP Nos.2767 of 2013 & 2141 of 2014 dated 17.10.2014).

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

- 1.The Inspector of Police,
Arani Taluk Police Station,
Thiruvannamalai District.
- 2.The Superintendent of Police,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Joint Secretary to Govt.,
Public(Law & Order)
Secretariat, Chennai-9.

+lcc to Mr.Nirmal Krishnan, Advocate SR.12145

H.C.P. No. 617 of 2020

MG (CO)
CB (24/03/2021)



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