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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.681 of 2021

J.Dillikumar

...Petitioner

Vs.

The State rep. by its

1.District Superintendent of Police
Thiruvallur District

2.Deputy Superintendent of Police
Gummidipoondi Range
Thiruvallur District

3.Inspector of Police
Gummidipoondi Police Station
Thiruvallur District

4.Selvam

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the 3rd respondent to produce the petitioner's wife S.Monisha, aged about 23 years, before this Hon'ble Court from the custody of the 4th respondent and set her at liberty.

For Petitioner : Ms.A.Yamuna

For R1 to R3 : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

On 29.04.2021, we passed the following order :

"It is the case of Dillikumar, petitioner herein, that he and Monisha were in love with each other; since Monisha's parents were not agreeable for the marriage, they got married on 27.01.2021 and had it



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registered in the office of the Sub-Registrar, Periamet, on the same day vide Marriage Certificate No.TMR/Periamet/92/2021 dated 27.01.2021; after marriage, he and Monisha lived together for a week in a house in Kolathur and thereafter, she joined her parents.

2. Since Monisha is in the illegal custody of her parents, Dillikumar has filed the present habeas corpus petition for securing her.

3. On our directions, Dillikumar and Monisha were present before this Court today with their respective counsel. When we questioned Monisha, she stated that she loves the petitioner and wants to join him, but, at the same time, she does not want to antagonise her parents. She did not dispute the marriage that was registered on 27.01.2021 and stated that she will convince her parents to accept Dillikumar as their son-in-law. She further stated that at present she wants to be with her parents.

Recording the same, this matter stands adjourned to 14.06.2021 for sending the parties to the Mediation Centre."

2. Again, on 14.06.2021, we passed the following order :

"On 29.04.2021, this Court passed a detailed order in this case.

2.Today, when this matter was taken up for hearing, Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) produced a letter dated 13.06.2021, purported to have been written by Monisha to the police, wherein, it is stated that Monisha has filed H.M.O.P.No.187 of 2021 in the Sub Court, Ponneri, for divorce against the petitioner and the same is pending.

3.However, the learned counsel for the petitioner is unaware of this proceeding. Therefore, the learned counsel for the petitioner is advised to enter appearance in H.M.O.P.No.187 of 2021.

Post this matter on 05.07.2021."

3. Today, when this matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner has entered appearance in H.M.O.P.No.188 of 2021 in the Sub Court, Ponneri (wrongly typed as H.M.O.P.No.187 of 2021 in the



order dated 14.06.2021). Monisha was produced before us, via video conferencing by the Inspector of Police, Gummidipoondi Police Station and when enquired by us, she stated that she wants to go with her parents.

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4. In such view of the matter, Monisha is not in the illegal custody of anyone for issuance of a writ of habeas corpus. Hence, this petition is closed, with liberty to the parties to work out their remedies in the manner known to law.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gya

To

- 1.The District Superintendent of Police,
Thiruvallur District.
- 2.The Deputy Superintendent of Police,
Gummidipoondi Range,
Thiruvallur District.
- 3.The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
- 4.The Public Prosecutor
High Court,
Madras.

+1cc to Mr.M.Krishnamoorthy, Advocate, S.R.No.31231

H.C.P.No.681 of 2021

RR(CO)
RVM(30/07/2021)