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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

C O R A M

THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
and  
THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.1677 of 2021

M.Suresh @ Periyasamy  
S/o.Thangarasu

... Petitioner

Vs.

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

2.The Inspector of Police,  
Kunnam Police Station,  
Kunnam Taluk, Perambalur District.

3.Chellammal  
W/o.Vaithyalingam

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution for issuance of a Writ of Habeas Corpus, praying to direct the second respondent herein to secure and produce the petitioner's wife Mrs.Meena Roshini, aged 18 years, before this Court from the custody of the third respondent and set her at liberty.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor [R1 & R2]  
: Mr.A.Elumalai [R3]

O R D E R

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

This petition has been filed seeking a direction to the second respondent herein to secure and produce the petitioner's wife Meena Roshini, aged 18 years, before this Court from the custody of the third respondent and set her at liberty.



2. Heard learned counsel appearing for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the third respondent.

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3. It is the case of the petitioner that he was in love with Meena Roshini and that she came, on her own accord, with him and got married to him. In this regard, on the complaint given by Chellammal (third respondent), the mother of Meena Roshini, a case in Kunnam P.S. Crime No.595 of 2021 was registered on 13.06.2021 for 'girl missing' and the case has now been altered to Section 9 of the Prohibition of the Child Marriage Act, 2006 and Section 5(1) r/w Section 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and the petitioner herein was arrested by the police on 30.06.2021 and later, he was released on bail on 01.09.2021 by a learned single Judge of this Court in Crl.O.P.No.15432 of 2021. After the arrest of the petitioner, Meena Roshini, who was a minor, was restored to her parents and after Meena Roshini crossed the age of 18, her parents got her married to one Velmurugan on 10.09.2021. Alleging that Meena Roshini is in the illegal custody of her parents, the present Habeas Corpus Petition has been filed.

4. We warned the petitioner several times as to whether he would insist upon prosecuting the present petition and advised him to withdraw the present petition as we found that Meena Roshini is a married lady now. However, the petitioner insisted that as if Meena Roshini is in the illegal custody of her parents and her husband and that if she is summoned to this Court, she would happily go with the petitioner.

5. Today, Meena Roshini, her husband Velmurugan and her mother Chellammal are present. The petitioner is also present.

6. When we enquired Meena Roshini, she stated that she got married to Velmurugan on her own accord and that she is happily living with him. She further stated that she got separated from the petitioner because she learnt that the petitioner was already involved with two other women and he was not of a desirable character.

7. Learned counsel for the third respondent also brought to the notice of this Court that the petitioner has posted in his Facebook account some intimate pictures of Meena Roshini with him recently. This is deprecated.



In the aforesaid circumstances, this Habeas Corpus Petition is dismissed with costs of Rs.75,000/- (Rupees Seventy Five Thousand Only) payable by the petitioner to the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gm/mtl

To

1. The Superintendent of Police.  
Perambalur District,  
Perambalur.
2. The Inspector of Police,  
Kunnam Police Station,  
Kunnam Taluk,  
Perambalur District.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.G.Ilamurugu, , Advocate SR.No.58482  
+1cc to Mr.M.Elumalai, Advocate SR.No.58480

H.C.P.No.1677 of 2021

KG(CO)  
GN(30/11/2021)