



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.60 of 2021

Thenraj ... Petitioner/Fiance of the detenue

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police Office,
Dindigul District.

2.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

3.S.Sugumar

4.Suguna

5.Yuvaraj

6.Arul ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents No.1 and 2 to produce the person or body of the detenu by name Dhanushree, D/o.Sugumar, Female, aged 25 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.C.A.Diwakaran
for Mr.D.S.Haroon Rasheed

For R1 & R2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For R3 & R4 : Mr.S.Mathiyalagan



O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

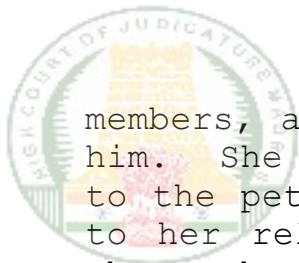
The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the detinue, namely, Dhanushree, D/o.Sugumar, Female, aged 25 years before this Court and set her at liberty.

2. The petitioner would state that the detinue was his junior in NSN College at Karur and they were in love with each other for more than 7 years. It is stated that he was doing BE., Mechanical Engineering and the detinue was studying B.E., (E.E.E). He would claim that they have decided to get married and sought permission of her parents, the respondents 3 & 4 herein. However, they were not inclined to accept such marriage proposal, since both belonged to different castes. Though, initially, her parents were not reluctant, they agreed for the marriage of the petitioner and detinue and the date was also fixed on 25.01.2021.

3. The petitioner would state that both the family members had gone to Namakkal to purchase the betrothal saree, gold jewels and other things for the detinue and the entire expenses were born out by him. The marriage invitations have also been distributed to the relatives and friends, while so, the detinue's phone was switched off and she could not contact him. On 26.12.2020 she sent a message through whatsapp that her parents and her relatives were planning to do something against her will and consent. He made an attempt to contact her family members, but it vain. Thereafter, he lodged a complaint to the second respondent, on 28.12.2020 for re-union. The third respondent appeared before the second respondent and agreed to produce the detinue on 05.01.2021, but, he did not appear before the second respondent on that day. The respondents 1 & 2 failed to take necessary action against the respondents 3 & 4, because they are very influential persons in the village. Hence, he has come forward with this petition.

4. Heard Mr.C.A.Diwakaran, learned counsel representing Mr.Haroon Rasheed D.S., learned counsel on record for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor for the respondents 1 and 2 and Mr.S.Mathiyalagan, learned counsel for the respondents 3 and 4.

5. When the matter was taken up for hearing on 22.01.2021, the detinue, namely Dhanushree, who appeared before this Court through Video Conferencing from the office of Mr.R.Mathiyalagan, learned counsel appearing for the respondents 3 & 4, would state that though she agreed for marriage with the petitioner, however, after



members, after fixing the marriage date, she decided not to marry him. She would further state that her decision was also conveyed to the petitioner. Despite the same, false news have been spread to her relatives, Principal, Staff and students of the College, where she is working, but she is not sure that whether it is by the petitioner or by his relatives. She would further state that she is not illegally detained by his parents as alleged and she is regularly attending the College and doing her regular work.

6. The learned counsel appearing for the petitioner urged that the decision of the detinue will have an impact on the life of the petitioner and therefore, she may be directed to appear before this Court in person. It is the submission of the learned counsel that the statement of the detinue appears to be duress.

7. However, in view of the clear statement of the detinue, we find no merits in the habeas corpus petition and hence, this petition is dismissed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

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Sub Assistant Registrar(CS)

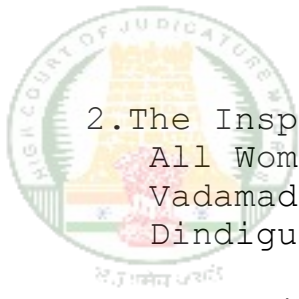
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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police Office,
Dindigul District.



2.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.60 of 2021
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KM (08.02.2021) 4P 4C