



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM:

WEB COPY

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

H.C.P. (MD) No.120 of 2021

C.Surendran

... Petitioner

-vs-

1.The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.

3.The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.

4.Muthulakshmi

5.Manivannan

6.Karthika

7.Nandhakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body of the petitioner's wife namely, Sneka aged 23 years before this Court and set her at liberty.

For Petitioner : Mr.A.K.Manickam

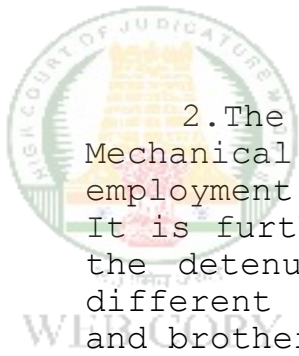
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
(for R1 to R3)

For Respondents : Mr.G.Prabhu Rajadurai
4, 5, & 7

O R D E R

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

The habeas corpus petition has been filed seeking a direction to the respondents to produce the petitioner's wife namely, Sneka, aged about 23 years before this Court and set her at liberty.



2.The petitioner would claim that he has completed Diploma in Mechanical Engineering and went to Singapore in the year 2010 for employment. He is playing cricket for the Republic of Singapore. It is further stated that in the year 2018, both the petitioner and the detenu fell in love with each other. Since they belong to different community, the same was objected by the detenu's mother and brother.

3.The petitioner would state that in the month of November 2020, the detenu informed him over phone that her mother, brother and sister and her husband are taking steps for her marriage with some other person. Hence, he came to India on 28.11.2020 and approached the respondents 4 to 7 for his marriage with the detenu, but it was not accepted by them. It is further stated that on 13.12.2020, their marriage was solemnized simply at Sri Selvamurugan Temple at Thiruvonam, Thanjavur District and the same was registered with the Sub Registrar Office, Thiruvonam on 29.12.2020.

4.It is alleged that on 18.01.2021, the detenu contacted him over phone and informed that their marriage was known to her family members and they are planning to shift her to an unknown place and also threatening her to marry a person of their choice. Hence, he approached the third respondent on 20.01.2021 to lodge a complaint. Due to political influence, no appropriate action was taken and hence, he approached the second respondent on 21.01.2021 seeking to rescue his wife. Even thereafter, there was no progress and hence, the present habeas corpus petition.

5.Heard the learned counsels for the parties.

6.When the matter is taken up for hearing today, the petitioner and the detenu appeared before this Court. On enquiry, the detenu would state that she knows the petitioner through Facebook and their marriage was registered with the Sub Registrar Office, Thiruvonam on 29.12.2020 and thereafter, she did not contact the petitioner. She further stated that she wants to pursue her studies and is not willing to go with the petitioner. According to her, she is not being illegally detained by the private respondents.

7.In the light of the statement made by the detenu, we find no merits in this habeas corpus petition and hence, the same is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Skn

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,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.
- 3.The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.G.PRABHU RAJADUAI, Advocate (SR-2629[F] dated 01/02/2021)

H.C.P. (MD) No.120 of 2021
29.01.2021

VB (08.03.2021) 3P 6C