



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVA

H.C.P. (MD) No.154 of 2021

WEB COPY

B.Satheesh Kumar

... Petitioner

-vs-

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

2.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

3.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

4.Mrs.Chitra

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the 3rd respondent herein to produce the body of the detenu namely Mrs.Sowantharya, D/o.Murugesan, aged about 18 years and 8 months, before this Court and set her at liberty.

For Petitioner: Mr.M.Jothi Basu

For R1 to R3 : Mr.K.Dinesh Babu

Additional Public Prosecutor

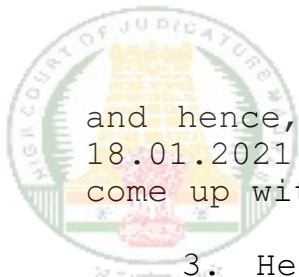
For R4 : Mr.V.Balaji

O R D E R

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

This habeas corpus petition has been filed for a direction to the third respondent to produce Mrs.Sowantharya, aged about 18 years before this Court and set her at liberty.

2. The petitioner would claim that he is a B.E.Graduate and after completing B.E., he is pursuing his studies in Law and he fell in love with detenu and they got married. It is alleged that this is a inter-caste marriage and they received threats from various corners. Hence, on 06.10.2020 the detenu lodged a complaint before the first respondent for police production and also filed a writ petition in W.P.(MD)No.15007 of 2020. While so, on 15.01.2021 she was kidnapped by the fourth respondent along with other relatives



and hence, he preferred a complaint with the first respondent on 18.01.2021. Since no steps were taken to secure the detainee, he has come up with this present habeas corpus petition.

3. Heard Mr.M.Jothi Basu, learned counsel appearing for the petitioner, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and Mr.V.Balaji, learned counsel appearing for the fourth respondent and perused the materials available on record.

4. When the matter is taken up for hearing today, the detainee along with fourth respondent appeared before this Court. On enquiry, she has stated that she knew the petitioner through Facebook and when she met the petitioner first time, she was taken by the petitioner and his family members. Thereafter, she was forced to marry the petitioner. She has further stated that while she was living with the petitioner, she was physically assaulted and mentally harassed and no proper medical treatment was also given to her, hence, on her own volition, she has now joined with her mother, the fourth respondent herein and that she is not interested to go with the petitioner. According to her, she did not give any petition to the first respondent for police protection nor she filed the writ petition in W.P.(MD)No.15007 of 2020. It is her version that the petitioner obtained her signatures in the blank papers and that was misused by the petitioner.

5. It is the submission of the learned counsel appearing for the fourth respondent that the detainee was a minor at the time of marriage and she was forced to marry the petitioner. The learned counsel for the petitioner seeks liberty to move a Civil Court.

6. In the light of the above statement of the detainee, we find no merits in the habeas corpus petition and hence, this petition is dismissed granting liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Virudhunagar District,
Virudhunagar.

2.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

3.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-7106[F] dated
25/02/2021)

H.C.P. (MD) No.154 of 2021
24.02.2021

SV2 (CO)
KB(10.03.2021) 3P 6C