



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.311 of 2021

K.Vijayakumar ...Petitioner/Husband of the detenue
-vs-

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
Ottanchatram Police Station, Dindigul District.
- 3.Andiyappan ...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 petitioner's wife namely, V.Shanmugavalli aged about 25/21 W/o Vijayakumar before this Court and set her at liberty.

For Petitioner :Mr.T.Thirumurugan

For Respondents

for R1 and R2 :Mr.K.Dinesh Babu

Additional Public Prosecutor (for R1 and R2)

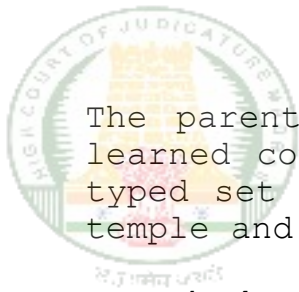
O R D E R

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

The petitioner has come forward with this habeas corpus petition seeking a direction to the respondents 1 and 2 to produce the petitioner's wife V.Shanmugavalli, aged about 25 years before this Court and set her at liberty.

2.The petitioner would state that the detenu is his wife and the marriage was performed about 7 months ago, but she was found missing from 28.01.2021. Hence, he lodged a complaint with the second respondent on 05.02.2021 and the same was registered in Crime No.74/2021 under 'woman missing'. Thereafter, he came to aware the fact that she is illegally detained by the third respondent. Since no effective action has been taken by the second respondent, the present petition has been filed.

3.The learned counsel for the petitioner Mr.T.Thirumurugan would state that the petitioner married the detenue on 28.08.2020 at Arulmigu Mallikarjunasamy Temple at K.Keeranur, Ottanchatram Taluk.



The parents of the detainee have also attended the function. The learned counsel drew the attention of this Court to the additional typed set of papers filed by him, wherein, a receipt issued by the temple and marriage photographs have been enclosed.

4. When the matter is taken up for hearing today, the detainee appeared through video conferencing from the Public Prosecutor's Office. On enquiry, the detainee would state that she was married to one Kumar in the year 2012, but they have no issues. In the meantime, due to some matrimonial dispute, she was residing with her parents. Now, she is willing to go with the said Kumar. She further stated that the third respondent is her maternal-uncle and she is not being illegally detained by him. She also stated that she was married to the petitioner by coercion.

5. In the light of the above statements, this habeas corpus petition is closed by giving liberty to the petitioner to work out his remedy in a manner known to law.

Sd/-

Assistant Registrar (CS III)

// 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,
O/o The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Ottanchatram Police Station, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-12403[F] dated
19/03/2021)

H.C.P. (MD) No.311 of 2021

18.03.2021

KV(11.05.2021) P 5C