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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

and

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

H.C.P. (MD) No.514 of 2021

S.Muneeswaran

... Petitioner/Husband of the Detenu

versus

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

2. The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.

3. Thulasi

4. L.Rukmani ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the person or body of the detenu, namely, Janaki, daughter of Latchiya, aged 21 years before this Court and set her at liberty.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.K.K.Ramakrishnan,

Additional Public Prosecutor for R1 and R2

Mr.Somasekar Advocate from Andra Pradesh

Appeared in V.C. For detenu vakalat not filed

ORDER

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

This petition has been filed seeking a direction to the 1st and 2nd respondents to produce the detenu, namely, Janaki, daughter of Latchiya, aged 21 years before this Court and set her at liberty.

2. The petitioner would claim that he has completed B.Com degree and went to Thiruppur and joined in Garments Company, where, he fell in love with the detenu, who is the native of Andra Pradesh and he married the detenu on 25.02.2021 at Vinayagar Temple, Sivanmalai Village, Thiruppur District. It is also alleged that on



05.03.2021, she left the matrimonial home to see her ailing mother and subsequently, she did not contact the petitioner. Later, he lodged a complaint on 16.03.2021. However, no effective steps are taken by the respondents to secure the detainee. Hence, the present petition has been filed.

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3. Based on the complaint of the petitioner, the second respondent conducted investigation and found that the detainee is in Palamaner, Chittoor District, Andrapradesh State. Today, the detainee appeared before this Court through video conferencing and she stated that she did not marry the petitioner herein, but, she married one Srinivasulu Reddy and the said marriage was also registered with Sub Registrar and Marriage Officer, Palamaner in Chittoor District on 16.04.2021. She further stated that she is making statement on her own and not by coercion.

4. In view of the statement made by the detainee, we are of the opinion that the detainee is not in illegal custody of anybody and hence, she is set at liberty.

5. Accordingly, the Habeas Corpus Petition is ordered. However, liberty is granted to the petitioner to work out his remedy before the competent Civil Court.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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To

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

2.The Inspector of Police,
All Women Police Station,
Thiruppathur,Sivagangai District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
+1 CC to M/s.S.Sivakumar Advocate, Sr.No.16571

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