



WEB COPY

H.C.P(MD) No.568 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.568 of 2021

Vadivel

... Petitioner

versus

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

2. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

3. Sarathkumar

... 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 detainee, namely, Niranjana Devi, wife of Vadivel, daughter of Periyasamy, aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor
for R1 and R2

ORDER

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

This petition has been filed by the petitioner, seeking a direction to the 1st and 2nd respondents to produce his wife, Niranjana Devi, aged about 19 years before this Court and set her at liberty.

2. The petitioner would claim that the detainee was married to him on 08.02.2021 and the marriage was also registered in the Sub Registrar Office, Kaalikudi, Madurai District. While so, she absconded from the matrimonial home from 17.03.2021. Hence, he lodged a complaint with the second respondent on



19.03.2021. Though a case was registered in Cr.No.71 of 2021 on 21.03.2021 under "women missing", no effective steps have been taken by the respondents to find out the detainee. Hence, he filed the present Habeas Corpus Petition.

3. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, on instructions, would submit that the 3rd respondent herein filed H.C.P.No.1217 of 2020 before the Principal Bench, in which, the detainee was produced and on enquiry, it was found that the detainee had love affairs with Sarathkumar, the 3rd respondent herein and she also expressed her willingness to get married with him after two years of completion of her degree course.

4. It appear that thereafter, a marriage was performed with the petitioner herein on 08.02.2021. The learned Additional Public Prosecutor would also state that the detainee has eloped with the 3rd respondent Sarathkumar.

5. The above facts would show that the detainee was not willing to marry the petitioner and the marriage would have been performed against her wish. That apart, a case was registered only on 21.03.2021. So, we are not inclined to entertain this petition. The second respondent is hereby directed to speed up the investigation in Cr.No.71 of 2021 and take steps to secure the detainee at the earliest.

6. With the above observation, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

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To

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



2. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

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

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