



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No. 621 of 2021

Mathankumar

... Petitioner

versus

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai,
Madurai City.

2. The Inspector of Police,
D2, Sellur Police Station,
Sellur, Madurai - 625 501,
Madurai City.

3. Senthamarai

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or person of the detenu by name Sharmila, wife of Mathankumar, aged 25 years before this Court and set her at liberty.

For Petitioner : Mr.P.Rajeswari

For Respondents : Mr.K.K.Ramakrishnan,

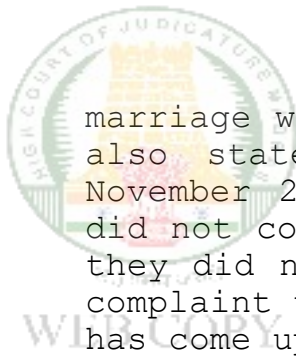
Additional Public Prosecutor for R1 and R2

ORDER

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

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the detenu, by name, Sharmila, aged 25 years before this Court.

2. The petitioner would claim that he was admitted as inpatient in Astinipatti Hospital for treatment and at that time, he had occasioned to meet the detenu, whose father was also admitted in the same hospital and they fell in love with each other and the



marriage was performed on 15.07.2019 in the hospital itself. It is also stated that the detinue became pregnant in the month of November 2020 and she wanted to visit her parental home, but, she did not come back and when he contacted the parents of the detinue, they did not allow him to speak with his wife. Hence, he lodged a complaint with the respondent Police. Since no action was taken, he has come up with this petition.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that there was no marriage between the petitioner and the detinue and the detinue was married to some other person and they are residing at Tiruttani. It is also stated that the petitioner also lodged a complaint and he appeared for enquiry on 06.07.2020 and he has given an undertaking stating that when he met the detinue in the hospital, he persuaded the detinue to marry him, but, she was not interested. It is further stated by the petitioner that he will not interfere with the life of the detinue.

4. A perusal of the records would reveal that the petitioner has not produced any material to prove that the marriage was held between the petitioner and the detinue on 15.07.2019. Further, by suppressing the undertaking given by the petitioner to the respondent Police on 06.07.2020, the petitioner sent the present complaint to the respondent Police on 15.04.2021 in order to file this Habeas Corpus Petition. Therefore, we are not inclined to entertain this Habeas Corpus Petition.

5. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai,
Madurai City.
2. The Inspector of Police,
D2, Sellur Police Station,
Sellur, Madurai - 625 501,
Madurai City.



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

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AS (11.06.2021) 3P 4C