



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGOVA

H.C.P. (MD) No.840 of 2021

T.Arulraj ... Petitioner

-vs-

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

2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District 628 503.

3.M.Karthikesan

4.Ilayaraja

5. S.Jayaganesan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents 1 and 2 to secure the detenu viz., Jemima Majek Santhiya, aged about 25 years, W/o.T.Arulraj, from the illegal custody of the respondents 3 to 5 and to produce her before this Court and set her at liberty.

For Petitioner: Mr.T.K.Gopalan

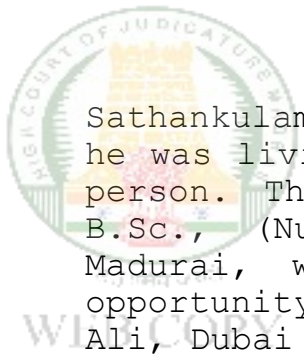
For R1 & R2 : Mr.S.Ravi
Standing counsel for Government

O R D E R

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

The habeas corpus petition has been filed for a direction to the respondents 1 and 2 to secure the petitioner's wife viz., Jemima Majek Santhiya, aged about 25 years, from the illegal custody of the respondents 3 to 5 and to produce her before this Court and set her at liberty.

2. The petitioner would state that on 26.08.2019, his marriage with the detenu was solemnised at C.S.I. Church, Kattarimangalam,
<https://hosevices.ecourtsgov.in/hosevices/>



Sathankulam Taluk, Thoothukudi District. His father passed away and he was living with his widowed mother, who is physically challenged person. The petitioner would further state that he has obtained B.Sc., (Nursing) degree from Sacred Heart Nursing College at Madurai, while the detenu is an M.Com., graduate. He got an opportunity to join as a male nurse at NMC Royal Hospital, Jebel Ali, Dubai (UAE) and left for Dubai in the month of October 2020. He returned back to his native place on 24.04.2021 and on 06.05.2021, when he was in the house at Kovilpatti, the detenu wanted to offer prayers at C.S.I. Church, Kovilpatti. Hence, he permitted the detenu to go to the Church at about 9.00 a.m. Unfortunately, she did not return home till 12.00 noon.

3. Immediately, he informed the same to his father-in-law and on the same day, he lodged a complaint with the second respondent police and the same was registered as Crime No.278 of 2021, on women missing. The petitioner would further state that his father-in-law has also taken effective steps to find out the whereabouts of the detenu and thereafter, they came to know that she is under illegal custody of the respondents 3 to 5. When his father-in-law approached the respondents 4 and 5, he was threatened with dire consequences. Since no effective steps taken by the second respondent, the present habeas corpus petition has been filed.

4. We have heard Mr.T.K.Gopalan, learned counsel for the petitioner and Mr.S.Ramesh, learned Standing counsel appearing for the State and perused the materials available on record.

5. When the matter is taken up for hearing, the petitioner as well as the detenu appeared before this Court through video conferencing, on enquiry, the detenu has admitted that she had married the petitioner on 26.08.2019 and on further enquiry, she has informed that she is not willing to go with the petitioner and she is now staying with her friends at Chennai and she is initiating steps to get a divorce from the petitioner. The detenu has further stated that the third respondent is her classmate and his family is helping her. The petitioner, who was present also stated that he is ready to give consent for divorce.

6. In the light of the above statements, the Habeas Corpus Petition is closed with liberty to the parties to work out the remedy before the competent Court.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



akv

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,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District 628 503.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.840 of 2021
11.06.2021

km (CO)
TR(24.06.2021) 3P 4C