



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1240 of 2021

WEB COPY

R.Leon

... Petitioner

vs.

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

2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

3. Jelin Enose

4. Lalitha Jelin

5. Jaberson Penial

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of petitioner's wife namely "Benila Jeslin" D/o Jelin Enose, aged 22 years, the detainee in the present case, before this Court and set her at liberty.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.S. Ravi

Standing Counsel for State

For R1 and R2

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's wife, by name, Benila Jeslin, aged about 22 years, is in illegal custody of the respondents 3 and 4, who are parents, this Habeas Corpus Petition has been filed.

2. Mr.A.Joseph Jerry, the learned counsel appearing for the petitioner submitted that the marriage between the petitioner and the detainee took place in the year 2019 and he was living with her



for some time and thereafter, the parents of the detainee forcibly taken her and illegally detained against her wish.

3. Today the detainee Benila Jeslin produced before this Court and on enquiry, she submitted that she is not illegally detained by the respondents 3 and 4 / parents and she, on her own, living in the parental house and she is not willing to go with the petitioner.

4. Recording the above submissions that the detainee is not illegally detained by her parents and on her own, she is living in the parental house, and she is not willing to go with the petitioner, this Habeas Corpus Petition is not maintainable. Hence, this petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

mpk

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,
Kanyakumari District, Kanyakumari.
2. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-28112[F] dated 03/09/2021)

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MA (CO)

SP (14-09-2021) 2P 4C
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