



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

H.C.P. (MD) No.1538 of 2021

R.Vaijeyanthimala ... Petitioner/ Wife of the Detenu
Vs.

1.The Superintendent of Police,
Madurai District,
Madurai- 625 007.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

3.Karuppiah ... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the 2nd respondent to produce the body or person of petitioner's husband, namely, Parthasarathi, son of Karuppiah, aged about 29 years before this Court and set him at liberty.

For Petitioner : Mr.A.Jeyaram

For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R3 : Mr.P.M.Vishnuvarthanan

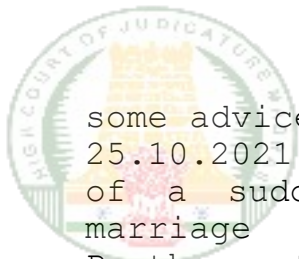
O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

This petition is filed by one Vaijeyanthimala alleging that on 10.09.2021 she got married with one Parthasarathi, son of Karuppiah/3rd respondent herein in the form of reformative marriage, but the third respondent has refused to accept the marriage. After



some advice, the third respondent decided to perform the marriage on 25.10.2021 again at Murugan Temple, Tirupparankundram. While so, all of a sudden, on 18.09.2021, the third respondent stopped the marriage arrangement between the petitioner and the said Parthasarathi saying that they are not interested in the marriage citing the white mark on her face. Now, alleging that her husband Parthasarathy is illegally confined by Karupppiah/3rd respondent and his family members and apprehending danger to the life of her husband, the petitioner has approached this Court by way of filing this Habeas Corpus Petition.

2.The third respondent has filed counter stating that the contention in the affidavit are false and infact, no marriage was conducted between the petitioner and Parthasarathy on 10.09.2021 as alleged and it is only an engagement and the marriage was scheduled to be held on 24.10.2021. However, due to some adverse medical history of the petitioner herein, they are not interested in the said marriage and Parthasarathy, on his own, has refused to marry the petitioner.

3.It is also brought to the notice of this Court that earlier, when this Court made an attempt to request the family to arrive at an amicable settlement, the same could not be fructified.

4.The learned Additional Public Prosecutor would submit that the photographs attached along with the petition are the engagement photos and not the marriage photos as alleged by the petitioner. Further, it is stated that the engagement between the petitioner and Parthasarathy did not blossomed into a marriage as scheduled, due to some misunderstanding between the family members of the parties. He would further submit that Parthasarathy, the alleged detainee is very much alive and not in illegal custody of the third respondent. Infact, he has participated in the conciliation proceedings initiated before this Court. Even today, the alleged detenu, Parthasarathy is present in the office of his counsel and appeared through video conference before this Court.

5.When we specifically questioned the learned counsel for the petitioner whether he has any proof for marriage, he would only state that it was a reformative marriage performed by exchanging of garland, but they have not registered the marriage.

6. The investigation conducted by the respondent clearly indicates that the photographs relied by the petitioner herein was taken during the engagement ceremony and it was not taken in the course of marriage ceremony, this Court aghast by the manner in which this petition filed invoking the jurisdiction under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus with false averments. It is not the first time for this Court to encounter such cases and had impose cost for such abuse. However, this Court is inclined to dismiss this Habeas Corpus



Petition without imposing cost in view of the fact that the petitioner herein, due to the sudden cancellation of her proposed marriage, had wrongly come to this Court invoked the writ jurisdiction seeking Habeas Corpus direction, due to ill advice. Instead of approaching the appropriate forum to work out her remedy, she has invoked the jurisdiction under Article 226 of the Constitution of India with false allegations as if she is the wife of the detainee.

7. Accordingly, this Habeas Corpus Petition is dismissed as devoid of truth.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Madurai District,
Madurai- 625 007.

2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-36572[F] dated 30/11/2021)

+1 CC to M/s.A.JEYARAM, Advocate (SR-36698[F] dated 01/12/2021)

H.C.P. (MD) No.1538 of 2021

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