



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1663 of 2021

WEB COPY

Saravanan

... Petitioner / Husband of
Detenue

-vs-

1.The Superintendent of Police
Tirunelveli District
Tirunelveli

2.The Inspector of Police
Thisayanvilai Police Station
Thisayanvilai, Tirunelveli District

3.Sudalaimuthu

4.Thava Lakshmananathan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the body or person of the detenue, the petitioner's wife Kamatchi Bharathi, D/o.Thava Lakshmananathan, aged about 21 years and set her at liberty.

For Petitioner : Mr.Manivel Pandian.M.M.

For Respondents : Mr.S.Ravi

Additional Public Prosecutor for R1 & R2
Mr.G.Thalaimutharasu for R3 & R4

O R D E R

S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

One Mr.Saravanan claiming to be the husband of Kamatchi Bharathi has filed this habeas corpus petition stating that his wife has been kidnapped by the respondents 3 and 4, who are none other than the maternal uncle and father of the detenue respectively, on 22.10.2021 and has given a complaint in this regard before the second respondent Police against the respondents 3 and 4. Based on the said complaint, a case has been registered in Crime No.440 of 2021 for the offence under Sections 147, 341,



427, 352 and 366 I.P.C. But, till date, the whereabouts of the petitioner's wife Kamatchi Bharathi are not known and apprehending danger to the life of Kamatchi Bharathi, the present habeas corpus petition has been filed.

2. On receipt of notice in this habeas corpus petition, the second respondent Police has secured the said Kamatchi Bharathi and produced her before this Court.

3. On enquiry, Kamatchi Bharathi denied the averments of the petitioner regarding the alleged marriage dated 19.10.2021 at Parappadi Murugan Temple and also expressed her wish to stay with her parents and continue her studies.

4. Since the very claim of marriage with the alleged detainee itself is now denied by the person concerned, this Court is of the view that there is no reason to entertain the habeas corpus petition. This Court is satisfied that the alleged detainee Kamathi Bharathi is alive and not under any illegal detention. Hence, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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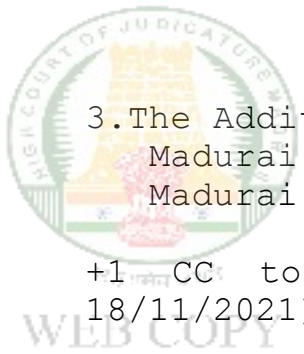
Note :

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,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli District.



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

+1 CC to M/s.M.MANIVEL PANDIAN, Advocate (SR-34910[F] dated
18/11/2021)

**H.C.P. (MD) No.1663 of 2021
17.11.2021**

SJ(CO)
SB(02.12.2021) 3P 5C