



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD)No.1768 of 2021

Abdul Rahman ... Petitioner/Fiance
Vs.

1. The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Deputy Superintendent of Police,
Jeeyapuram,
Trichy District.
3. The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
4. Debasi Sikthar ... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the detenu, by name, Riya Sikdar, D/o.Ganesh CH Sikder, Female, aged 22, before this Court and set the detenu at liberty.

For Petitioner : Mr.M.Pitchai Muthu

For R1 to R3 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

[Order of the Court was made by **DR.G.JAYACHANDRAN,J.**]

The petitioner herein claiming himself as Fiancee of the girl, aged 22 years, alleging that her paternal junior uncle/the fourth respondent herein has illegally detained her against her wish and torturing, harrassing and humiliating her knowing that she is in deep love with the petitioner, has filed this Habeas Corpus Petition alleging that who is the junior paternal uncle of the detenu is the



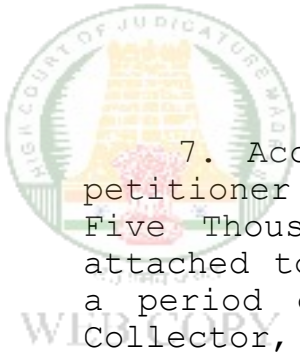
2. In the affidavit, he has stated that with an idea to perform marriage, he and the detenu exchanged garland on 07.07.2021 at Singaperumal Temple, Thiruvanaikovil and started living as husband and wife, due to which, the detenu got pregnant. With this averment, the present Habeas Corpus Petition is filed seeking direction from this Court to the respondents to produce the person or body of the detenu, who is alleged to be under illegal detention of the fourth respondent, her paternal junior uncle.

3. The respondent police had conducted investigation and has found that the petitioner herein became friendly to the detenu through TikTok App. Later, when she came to know that the petitioner belongs to Muslim community, she avoided contacting him and maintained distance. However, the petitioner started blackmailing her. Hence, she left Tamilnadu and went to her native place at Calcutta and living under the care of her grandparents. An affidavit has been filed by the detenu duly sworn in the presence of a Notary Public wherein she has stated that she is not inclined to come down to Tamil Nadu and the allegations made in the affidavit filed in support of the Habeas Corpus Petition are false and she never married the petitioner. Just to defame her, he has filed the present petition.

4. The learned counsel appearing for the petitioner would state that the detenu was infact in deep love with the petitioner and had given her birth certificate and community certificate to him, based on which he was making all arrangements to register the marriage and only because of the pressure of her family members, she has left Tamilnadu and now at Calcutta. The affidavit is now forwarded by her is only due to compulsion.

5. This Court, on perusing the averments made in the affidavit filed by the petitioner and the averments found in the affidavit filed by the detenu is of the clear view that the jurisdiction of this Court has been grossly misused and it is not the first time, this Court coming across such abuse of process of law. It has now become a routine, probably, due to the ill advice to invoke Habeas Corpus jurisdiction by the boy, who has a broken relationship with the girl making allegation that they were living together as husband and wife and he has impregnated the girl, which on enquiry reveals to be a false claim.

6. In this case, Whatsapp conversation is produced by the learned counsel for the petitioner to suspect the averments made by the detenu in her affidavit. However, these conversations are much prior to the break-up. Since the petitioner has come out with very grave and false allegation that he was living with the detenu as husband and wife and impregnated her, this Court is of the view that this petition is to be dismissed with exemplary cost since the detenu is alive and not under illegal custody of anyone.



7. Accordingly, this Habeas Corpus Petition is dismissed. The petitioner is directed to pay a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Tamil Nadu Legal Services Authority attached to the Madurai Bench of Madras High Court, Madurai, within a period of four weeks from today, failing which, the District Collector, Trichy District shall recover the money from the petitioner under the Revenue Recovery Act.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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,
Trichy District,
Trichy.
2. The District Collector,
Trichy District.
3. The Deputy Superintendent of Police,
Jeeyapuram,
Trichy District.
4. The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Officer In charge,
Tamil Nadu Legal Services Authority,
Madurai Bench of Madras High Court, Madurai.

**H.C.P. (MD)No.1768 of 2021
20.12.2021**