



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

HCP.No.546 of 2022

A.Mahendran

...Appellant

Vs.

1.The Superintendent of Police,
Kallakurichi,
Kallakurichi District 606202.

2.The Inspector of Police,
Sankarapuram,
Kallakurichi District 606401.

3.Sakthivel

...Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the second respondent to produce petitioner's wife/detenuue namely S.Sathya, aged about 22 years or her body before this Court and set her at liberty.

For Petitioner : M/s.S.Buveneswari

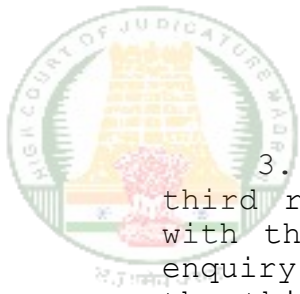
For Respondents
for RR1 & 2 : Mr.R.Muniyapparaj

ORDER

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

Heard Ms.S.Buveneswari, learned counsel appearing for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

2. The case of the petitioner is that he was doing marketing business through on-line and his wife Sathya was working as a Receptionist at Sky Education, Kallakurichi. Both belonged to different communities. They got married on 07.03.2022 at Mariamman Temple, Manacaud, Pondicherry and the marriage was not accepted by her father/3rd respondent herein.



3. It is the further case of the petitioner that the third respondent threatened them and also lodged a complaint with the second respondent and they were asked to appear for enquiry. It is alleged that, on 20.03.2022 at about 12.00 am, the third respondent forcibly had taken the petitioner's wife and she is now illegally detained by him. Therefore, he lodged a complaint with the respondents 1 and 2 on 23.03.2022, but no action has been taken, hence, the present HCP.

4. The learned Additional Public Prosecutor, on instructions, would state that the detainee Sathya is now with her parents and she is not illegally detained by the third respondent. It is also stated that the marriage of the petitioner with his wife is still subsisting and after knowing the fact, the detainee is not willing to live with the petitioner.

5. In the light of the above submissions of the learned Additional Public Prosecutor, we find no merit in the HCP and the same is dismissed. However, liberty is given to the petitioner to work his remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Superintendent of Police,
Kallakurichi,
Kallakurichi District 606202.

2.The Inspector of Police,
Sankarapuram,
Kallakurichi District 606401.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Ms.Buvaneswari, Advocate SR. No. 23809

HCP.No.546 of 2022

GPL (CO)
PR (25/04/2022)