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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.NO.864 OF 2022

V.S.Akash

... Petitioner

.Vs.

1. The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Pudupettai Police Station,
Panruti Taluk,
Cuddalore District.
3. Tamizhvel
4. Shanmugapriya
5. V.Adhimoolam

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 3 to 5 to produce body of the petitioner's legally wedded wife Mrs.Pooja, W.o. V.S.Akash aged about 19 years from the unlawful custody of respondents 3 to 5 before this Court and set her at liberty forthwith.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
For respondents 1 & 2



ORDER

(Hearing was made through Hybrid Mode)

S.VAIDYANATHAN, J.,
AND
A.D.JAGADISH CHANDRA, J.,

This petition has been filed for the issuance of Writ of Habeas Corpus seeking the production of petitioner's legally wedded wife Mrs. Pooja aged about 19 years, from the unlawful custody of respondents 3 to 5 before this Court and set her at liberty forthwith.

2. The case of the petitioner is that he belongs to the Adi Dravidar Community and he completed his ITI Course with Wiremen grade and is now looking after his livelihood by working as a Freelance Electrician in companies in and around Cuddalore SIPCOT. His further case is that he and one Pooja, the alleged detainee who is the daughter of respondents 3 and 4, fell in love and they decided to get married after getting permission from their family members. Since the respondents 3 and 4 have refused to give their consent on account of economic disparity between them and they have attempted to conduct marriage for their daughter Pooja against her will, the petitioner and the alleged detainee have gone away from their respective houses. It is the further case of the petitioner that the parents of the petitioner have agreed for the marriage of the petitioner with the alleged detainee Pooja and the marriage was performed as per the Hindu rites and customs on 04.05.2022 at a temple in Cuddalore. It is submitted that the respondents 3 and 4 and their relative, the fifth respondent herein, have threatened the petitioner and the detainee. Hence, the petitioner and the detainee appeared before the first respondent and gave a complaint on 04.05.2022. The complaint was forwarded to the second respondent and they were asked to go for an enquiry before the Police. On 04.05.2022, an enquiry was conducted by the second respondent in the presence of parents of petitioner as well as the detainee and statements were recorded from them. Though respondents 3 and 4 have given an undertaking that they will not interfere with the life of their daughter Pooja, it is alleged that on, 12.05.2022 at about 11 a.m., the respondents 3 to 5, contrary to the undertaking given before the second respondent, came to the house of the petitioner and brutally attacked the petitioner, his wife Pooja and his aged parents and kidnapped the alleged detainee by force. Based on the said incident, a complaint was given and a case in Cr. No.382 of 2022 was registered for offences under Section 294b, 323, 324, 506 (ii), IPC and under Section 4 of Women Harassment Act. However,



the since the respondents have not taken any steps to secure the wife of the petitioner, the petitioner had approached this Court seeking for Writ of Habeas Corpus for production of his wife Pooja.

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3. This Court, by order dated 18.05.2022, had directed the respondent Police to file a status report and to secure and produce the victim girl before this Court. Pursuant to that order, today the victim girl is produced before this Court..

4. The alleged detainee Pooja was born on 13.01.2004 and as of today, she has completed 18 years. This Court has enquired the alleged detainee Pooja. On enquiry, she would submit that she was forcefully taken to her parents from the custody of her husband, the petitioner herein. She also would submit that she is willing to go along with the petitioner herein. The alleged detainee, being a major, is at liberty to take her own decisions. It is also submitted by the petitioner that the petitioner and the detainee is facing threat from the respondents 3 to 5.

5. In view of the above, this Habeas Corpus petition stands allowed and the alleged detainee Pooja is set at liberty. The respondents 1 and 2 are directed to provide adequate protection to the petitioner and the detainee Pooja who has been set at liberty.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Pudupettai Police Station,
Panruti Taluk,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.NO.864 OF 2022

AJS(CO)
PBS/17/06/2022