



WEB COPY



H.C.P.No.1994 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11..10..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.1994 of 2022

E.Ranjithkumar

..... Petitioner

-Versus-

1.The Superintendent of Police,
Salem District, Salem.

2.State Rep. by
The Inspector of Police,
All Women Police Station,
Vazhappady, Salem District.

3.M.Govindaraj

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus , directing the respondents 1 and 2 herein to produce the body or person of petitioner's wife namely Kalaivani, aged about 23 years, W/o E.Ranjithkumar, before this court and set her at liberty forthwith.

For Petitioner : Mr.G.Pavendhan

*For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor*

ORDER

This Habeas Corpus Petition has been filed seeking a direction to respondents 1 and 2 herein to produce the body or



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person of the petitioner's wife namely Kalaivani, aged about 23 years, before this court and set her at liberty forthwith.

2. It is the case of the petitioner that he belonged to Hindu Scheduled Caste (Arundathiyar community); he is a B.Sc., graduate; he was working in Trandz India Marketing Private Limited at Trichy; Kalaivani (detenue herein) joined as staff in that company; she belongs to Hindu Naththamar (Udaiyar) community; initially, they became friends, later they fell in love with each other; since she belonged to a different community, her parents were not agreeable for the marriage, however, on 07.07.2021, he got married Kalaivani at his Family Deity's Temple in Thiruchengode, Namakkal District, and she conceived; on 19.09.2021, they appeared before the Superintendent of Police, Salem District, and sought protection from the 3rd respondent (father of Kalaivani); however, on 20.09.2022, he and Kalaivani were called to the 2nd respondent police for enquiry; in the enquiry, the 3rd respondent was present and wanted to take Kalaivani with him; however, Kalaivani refused to go with the 3rd respondent; but, he (petitioner) advised her to go with her father and accordingly, Kalaivani had gone with the 3rd respondent; thereafter, the 3rd respondent is not permitting Kalaivani to join him (petitioner).



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Alleging that Kalaivani is in the illegal detention of the 3rd respondent, the present Habeas Corpus Petition has been filed.

3. On notice, Ms.K.Dhanalakshmi, Inspector of Police, All Women Police Station, Vazhapadi Police Station; the 3rd respondent; his wife; the petitioner; and Kalaivani were present before us.

4. When we enquired Kalaivani, she stated that her date of birth is 25.07.1999 and she is now 23 years old. She further stated that she wants to go with the petitioner to whom she has got married. During the course of interaction with her, Kalaivani stated that she did conceive, but, while she was in her parental home, there was continuous bleeding leading to natural abortion. Since Kalaivani is a major and she has consciously taken a decision to go with the petitioner, her willingness is recorded and she is set at liberty to chalk out her life.

In the result, this Habeas Corpus Petition is ordered accordingly with the above observations.

(P.N.P., J.) (TKR., J.)
11..10..2022

Index: Yes/No
kmk



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To

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- 3.The Public Prosecutor,
High Court, Madras.



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AND
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