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H.C.P.No.2032 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2032 of 2022

Kubesh

.. Petitioner

Vs

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

2.The Inspector of Police,
Perundhurai Police Station,
Erode District.

3.Prabhu

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the detainee Harineeswari, W/o.Kubesh, aged about 20 years, from the illegal custody of the third respondent, before this Court and set her at liberty.



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For Petitioner : Mr.M.Ravindhran

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

ORDER

(Made by *P.N.PRAKASH, J.*)

This habeas corpus petition has been filed by the petitioner seeking a direction to the respondents 1 and 2 to produce his wife Harineeswari, aged about 20 years, from the illegal custody of the third respondent, before this Court and set her at liberty.

2. It is the case of the petitioner that he fell in love with Harineeswari, who was studying in Nanda Arts and Science College in Erode and without the knowledge of her parents, he got married to her on 15.07.2022 and the marriage has been registered in the office of the Sub-Registrar Office, Periyamet, on 15.07.2022; while that being so, Harineeswari went to her college on 29.09.2022 and thereafter, she did not return. Alleging that she is in illegal custody of Prabhu, third respondent herein, the present habeas corpus petition has been filed.



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3. Today, R.Ram Karuppusamy (Mobile No.94981 74822),
Special Sub-Inspector of Police, Perundhurai Police Station, Erode District,
is present.

4. On instructions, the learned Additional Public Prosecutor submitted that after marriage, Harineeswari was subjected to torture by the petitioner and therefore, she left the company of the petitioner and went to her native village in Usilampatti and has lodged a police complaint in Usilampatti All Women Police Station, based on which, a petition enquiry in C.S.R.No.458 of 2022 was registered and enquiry is in progress. He further submitted that steps taken by the Inspector of Police, All Women Police Station, Usilampatti, to summon the petitioner, went in vain.

5. The learned Additional Public Prosecutor connected Harineeswari *via* Whatsapp video call and we interviewed her. She stated that on account of the torture by the petitioner, she had to leave his company and now, she is with her parents and not in illegal custody of the third respondent. She further stated that she got to know the petitioner through



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social media, fell in love with him and got married to him. However, after marriage, his attitude completely changed and he started demanding money from her parents.

6. In such view of the matter, it cannot be stated that Harineeswari, aged about 20 years, is in illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition stands closed.

(P.N.P., J.) (TKRJ)
14.10.2022

Index: Yes/No
nsd



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To

- 1.The Superintendent of Police,
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- 2.The Inspector of Police,
Perundhurai Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.



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