



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

H.C.P. (MD) No.809 of 2022

A.Yasin Babu

... Petitioner

-VS-

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

2. State rep by its,
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

3. Thatchinamoorthy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the person or body of the detainee namely T.M.Rishitha, aged about 19 years (19.09.2003), Wife of A.Yasin Babu, before this Court and set her at liberty.

For Petitioner : Mr.V.Karuna

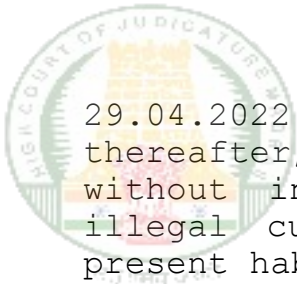
For Respondents: Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1 and R2
Mr.Thashinamoorthy (Party-in-person) for R3

O R D E R

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the respondents 1 and 2 to produce the petitioner's wife T.M.Rishitha, aged about 19 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he fell in love with Rishitha, aged about 19 years and they both got married on



29.04.2022 in R.C.Church, Soorakudi, Karaikudi District and thereafter, both of them were living in their respective homes without informing their parents. Alleging that Rishitha is in illegal custody of her father (third respondent herein), the present habeas corpus petition has been filed.

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3. Today, D.Muthukrishnan, Special Sub-Inspector of Police, Kundrakudi Police Station, is present. The petitioner, T.M.Rishitha and the third respondent are present before this Court.

4. The third respondent stated that Rishitha had earlier gone away with the petitioner and on a complaint given by him, she was brought to the Kundrakudi Police Station on 28.05.2022. At that time, Rishitha gave it in writing that she has been cheated by the petitioner and that she wants to go with her parents and therefore, the police sent her with the parents.

5. Today (13.06.2022), Rishitha stated that, she has got exams and therefore, her mother dropped her in the college (Dr.Umayal Ramanathan College for Women, Karaikudi), from where she has come on her own to this Court. When we asked Rishitha, she has stated that she was forced by her relatives to give such a statement in the police station and that she wants to go with the petitioner. Since Rishitha is not a minor and she is aged 19 years, we cannot force her to go with the third respondent against her free will. Hence, she is set at liberty to chalk out her own life.

6. Accordingly, this habeas corpus petition is closed.

Sd/-

Assistant Registrar (CS III)

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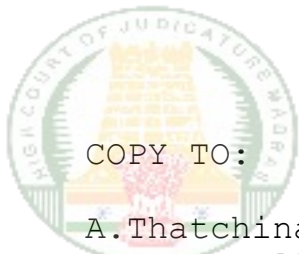
Sub Assistant Registrar(CS)

Pkn

To:

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

2. The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.



COPY TO:

A.Thatchinamoorthy,
Kumaran Illam, Kalaignar Salai,
Anna Nagar, Karaikudi,
Karaikudi Taluk, Sivagangai District.

+1 CC to M/s.V. KARUNA, Advocate (SR-25683[F] dated 14/06/2022)

H.C.P. (MD) No.809 of 2022
13.06.2022

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