



H.C.P.(MD)No.1252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.1252 of 2022

Raghuvaran

.. Petitioner/Husband of
the Detenue

Vs.

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

2.The Deputy Superintendent of Police,
Srivilliputtur,
Virudhunagar District.

3.The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.

4.Neelamegam

.. Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the body or person/detenué namely, Simka, D/o.Neelamegam, aged about 27 years, before this Court and set her at liberty.

For Petitioner : Mr.M.Jothi Basu
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor
for R1 to R3
Mr.V.Muneeswaran for R4

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

It is the case of the petitioner that he belongs to a Most Backward Community and the detenué, Simka, is a Dalit and he fell in love with her and got married to her on 17.06.2022 against the wishes of her parents. The petitioner is employed as Manager in Indus Bank, Virudhunagar and Simka, who is well educated has joined as Finance Director in a private concern, namely, JAY SKAY Finance, in Srivilliputhur.

2. While they were living happily, it appears that some Goondas, at the instance of Simka's parents, forcibly entered the



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house of the petitioner around 8.30 p.m., on 21.07.2022, ransacked the house, caused damages to various articles, attacked the petitioner and abducted Simka and went away.

3. On the complaint given by the petitioner, a case in Srivilliputhur Town Police Station Crime No.308/22 has been registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 452, 363 and 506(II) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, against 3 named and 13 unnamed persons. The police have arrested 13 persons and have remanded them in custody.

4. Under these circumstances, the petitioner has filed the present Habeas Corpus Petition.

5. Today, Mrs.Geetha, Inspector of Police, Srivilliputhur Police Station is present. The police produced Simka. The petitioner, Simka's parents and Simka are before this Court.

6. When we enquired with Simka, she stated *inter alia* that she is a Dalit and her date of birth is 09.01.1995; she fell in love with the petitioner and got married to him against the wishes of



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her parents and while she was happily living in her matrimonial home, her parents set up some Goondas and attacked her husband and forcibly took her to their house. She categorically stated that she wants to go with the petitioner. She also stated that while she was being brought to the Court, her parents were blackmailing her by threatening that somehow or other, they would get rid of her husband and also put her partners in the business into trouble. She further stated that her parents told her that if she does not come with them, they would even commit suicide by leaving a suicide note implicating her and her husband.

7. We are constrained to place on record the aforesaid statement and apprehensions of Simka. We direct the Superintendent of Police, Virudhunagar District/first respondent to ensure that no harm befalls both Simka and the petitioner and as directed by the Hon'ble Supreme Court in the case of **Lata Singh v. State of Uttarpradesh and another [(2006(5)SCC475)]**, intercaste marriages have to be encouraged and police is required to give such couples complete protection against honour killing.

8. Simka further submitted that her parents have retained her 4 mobile phones, which contained all information about her



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business without which she would find it very difficult to run her business.

9. We direct the police to look into it and do the needful in this regard. The second respondent/Deputy Superintendent of Police, shall monitor the investigation in Crime No.308/22. Further, Simka is set at liberty to go with the petitioner.

10. With the above directions, this Habeas Corpus Petition stands closed.

[P.N.P.J.] & [R.H.,J.]

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Index : Yes/No

Internet : Yes/No

PJL



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P.N.PRAKASH, J.

and

R.HEMALATHA, J.

PJL

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Srivilliputtur,
Virudhunagar District.
- 3.The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

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