



HCP(MD)No.1640 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.09.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1640 of 2022

A.Subash Muthu

... Petitioner /Husband of the Detenue

/Vs./

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
Achanpudur Police Station,
Tenkasi District.

3.Marimuthu

...Respondents

PRAYER: 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 person or the body of the petitioner's wife namely, Arun Jothi (21/22), D/o.Marimuthu and set her at liberty.



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For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor (For R1 & R2)

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This petition was filed by the husband of the detenu, who is said to have married the detenu on 13.09.2022.

2. The respondent police brought the girl, who was in the custody of her parents and produced her before us.

3. The detenu, named Arun Jothi, is aged about 21 years and she categorically stated that she got married with the petitioner and she will only go along with the petitioner and she is not willing to go with her parents. She further stated that she is doing her B.Ed., course and she will continue to do the Course, even after joining the petitioner.



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4. We enquired the parents of the detenu and they were very clear that

they are not agreeing for the marriage of the detenu with the petitioner.

According to them, the detenu has to complete her education and only thereafter, they will think about her marriage. In spite of our persuasion, the parents were very stern in their stand. In view of the fact that the detenu is a major girl aged about 21 years, we cannot force the detenu to go along with her parents. Since the detenu wishes to go along with the petitioner, we have to accede to her request.

5. This Habeas Corpus Petition is disposed of.

(J.N.B.,J.) (N.A.V.,J.)
30.09.2022

Index : Yes/No
Internet : Yes
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To:

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tenkasi District.
2. The Inspector of Police,
Achanpudur Police Station, Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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