

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.10.2022**

CORAM

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

H.C.P.(MD)No.1695 of 2022

M.Karthikeyan

... Petitioner /Husband of the Detenue

/Vs./

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

2.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

3.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

...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 body or person of the detenue, namely, Anish Fathima, D/o.Karthikeyan, aged about 21 years, and consequently to set the detenue at her liberty.

For Petitioner : Mr.P.Sureshkumar
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

The petitioner, who claims to have married the detenu on 19.08.2022, has filed this petition to secure the detenu, who is living with her parents.

2. When the matter came up for hearing on 14.10.2022, this Court directed the learned Additional Public Prosecutor to take instructions and report before this Court.

3. When the matter was taken up for hearing today, the detenu was produced before us. She stated that she had a love affair with the petitioner

and they decided to get married. However, her parents were insisting for conversion of the petitioner into a Muslim. Since the petitioner was not willing to go through the process of conversion, she categorically stated that she is no more interested in marrying the petitioner and she wants to go with her parents.

4. We enquired the petitioner, who was also present before this Court and he also reiterated the same facts as stated by the detenu. The petitioner stated that he made an attempt to convert himself into a Muslim, but however the same did not go through.

5. In view of the specific stand that has been taken by both the parties, no further orders can be passed in this Habeas Corpus Petition, except merely recording the statements of the petitioner and the detenu.

6. The learned counsel appearing for the petitioner submitted that the petitioner had handed over the entire original certificates, when he joined the Centre at Kayalpattinam and requested for handing over of the certificates to the petitioner.

7. It is clear from the statements of the petitioner and the detenu that there was no legal marriage between the parties, except love affair that was prevailing at the relevant point of time. In view of the same, the third respondent police is directed to get the statements of the petitioner and the detenu and they shall also secure the entire original certificates of the petitioner and hand it over to him. Thereafter, the complaint shall be closed.

8. This Habeas Corpus Petition is disposed of with the above directions.

(J.N.B.,J.) (N.A.V.,J.)
18.10.2022

Index : Yes/No
Internet : Yes
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To:

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.
- 3.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

HCP(MD)No.1695 of 2022

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

sm

Order made in
H.C.P.(MD)No.1695 of 2022

Dated
18.10.2022