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HCP No.131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P. No.131 of 2023

D.Philip Raj

... Petitioner

-VS-

1.The Commissioner of Police,
Office of Avadi Police Commissionerate,
Avadi, Chennai – 600 054.

2.The Inspector of Police,
T-10 Police Station,
Thirumullaivoyal, Chennai – 600 062.

3.Amsaveni

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the second respondent to produce the petitioner's wife Indhumathi, D/o.Santhanam, Female, aged approximately 22 years old before this Court and set her at liberty.

For Petitioner	..	Mr.P.Bakiyaraj
For R1 & R2	..	Mr.R.Muniyapparaj
		Additional Public Prosecutor



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ORDER

[Order of the Court was made by M.NIRMAL KUMAR, J.]

This Habeas Corpus Petition is filed by the petitioner to direct the second respondent to produce his wife Indhumathi, D/o.Santhanam before this Court and set her at liberty.

2.The petitioner lodged a complaint stating that he married one Indhumathi/detenué herein on 21.10.2022 and thereafter, they also registered their marriage. Since they both belong to different communities, their marriage was not accepted by the detenué's family. Both the petitioner and the detenué started their matrimonial life and living happily from 21.10.2022. On 07.11.2022, the parents of the detenué took her on the pretext that within two days she will join the petitioner as they had some formalities of signing of documents to be completed. Thereafter, the petitioner's wife/detenué was in touch with him. Suddenly on 14.11.2022, the detenué's mobile was switched off and the petitioner was unable to contact her. When the petitioner approached the detenué's parents and



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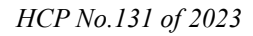
family members, they were not willing to allow the detenu to join him and kept her in confinement. Hence, the petitioner filed the above petition.

Along with the present petition, the petitioner annexed whatsapp messages, educational certificate and aadhaar card of his wife/detenu herein.

3.Heard the learned counsel appearing for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4.Today [08.02.2023], the third respondent and her daughter [detenu herein] are present before this Court.

5.This Court had interactions with the petitioner and his wife [detenu herein]. The detenu submitted that she is presently residing with her parents, now she had joined B.Ed course in Annai Theresa College, Pavithram, Tiruvannamalai District and focused to complete her education, thereafter she will decide with regard to her future. She further confirms that she is residing with her parents on her own will without any



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To

- 1.The Commissioner of Police,
Office of Avadi Police Commissionerate,
Avadi, Chennai – 600 054.
- 2.The Inspector of Police,
T-10 Police Station,
Thirumullaivoyal, Chennai – 600 062.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai - 104.



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

cse

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