



H.C.P.No.314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.03.2023

Coram:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.314 of 2023

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Yuvaraj

.. Petitioner

Vs.

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Poolampatty Police Station,
Eadappadi Taluk,
Salem District.

3. Sampathkumar

.. Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of the petitioner's wife xxxx aged about 22 years, before this Court and set at liberty.

For petitioner : M/s.G.Ambiga, T.Ganesan

For respondents: Mr.R.Muniapparaj, Addl.P.P. for RR-1 & 2

Mr.P.Jagadeesan for R-3

Page No.1/5



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H.C.P.No.314 of 2023

ORDER

(The Order of the Court was made by M.Sundar, J)

The captioned 'Habeas Corpus Petition' ('HCP' for the sake of brevity) is predicated on a complaint that the petitioner got married to one xxxxx (we are masking the name) and this xxxxx shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity.

2. On 15.02.2023, third respondent (private respondent) who is the father of the absentee, had forcibly taken away the absentee, is the further complaint. The petitioner, third respondent and the absentee have been enquired by the second respondent-jurisdictional Police pursuant to complaint.

3. Today, during the course of hearing, the learned counsel for the petitioner, the petitioner and the third respondent are before us.

4. To be noted, the petitioner, absentee and third respondent along with his spouse (parents of the absentee) are also before us.

5. We had the benefit of interaction with the absentee. She says that she has completed B.Sc.(Physics) and she intends to pursue Post-graduation



H.C.P.No.314 of 2023

course (M.Sc.) and that she does not want to live with the petitioner.

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6. We also heard from the absentee that her date of birth is 21.03.2001 and therefore, she is major. To be noted that she being a major as on 15.02.2023, i.e., on the date of marriage said to have been solemnised also.

7. In the light of the narrative supra, we find that this is not a case of illegal detention and therefore, a Habeas Corpus legal drill under Article 226 of the Constitution of India is really not necessary.

8. Be that as it may. We also had interaction with the petitioner. We find that the absentee says that her Certificates, details of which have been set out in her complaint, are with the petitioner. If this be true, the petitioner will do well to return the said Certificates to the absentee through the second respondent-Police.

9. We are also informed that the petitioner is posting some old photographs along with the absentee in social media. If this be true, the petitioner will do well to refrain from such activities. We hasten to make it clear that we are not expressing any view or opinion on these allegations and these are observations in the light of what has been brought to our

Page No.3/5



H.C.P.No.314 of 2023

notice.

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10. Be that as it may, we also make it clear that all the rights and contentions of the petitioner are preserved to pursue appropriate remedy by approaching appropriate Court/Courts/Forum/Fora, if he has any remedy under the matrimonial laws or any other provision/s of law. Though obvious, it is made clear that the rights and contentions of the absentee to resist such proceedings are also preserved.

11. In the light of the narrative supra, the captioned HCP is disposed of as closed, albeit preserving the rights of the parties in the aforesaid manner.

(M.S., J) (M.N.K., J)
01.03.2023

cs

To

1. The Superintendent of Police, Salem District.
2. The Inspector of Police,
Poolampatty Police Station,
Eadappadi Taluk, Salem District.
3. The Public Prosecutor, High Court, Madras.

Page No.4/5



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H.C.P.No.314 of 2023

M. SUNDAR, J

and

M.NIRMAL KUMAR, J

CS

H.C.P.No.314 of 2023

01.03.2023

Page No.5/5