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H.C.P.No.494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.494 of 2023

G.Aravindhan

.. Petitioner

Vs

1.The Deputy Inspector General of Police,
Vellore Range.

2.The Superintendent of Police,
Thiruvannamalai District.

3.The Deputy Superintendent of Police,
Arani, Thiruvannamalai District.

4.The Inspector of Police,
Town Police Station,
Thiruvannamalai District – 632 301.

5.Poongavanam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the fourth respondent to produce the petitioner's wife XXX, aged 18 years, daughter of Poongavanam from the illegal custody of the fifth respondent herein before this Court and set her at liberty.

For Petitioner : Mr.M.Rajasekaran

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 to R4



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ORDER

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

This habeas corpus petition has been filed by the petitioner stating that his wife XXX (We are masking the name of the petitioner's wife and referring to her as 'absentee' for obvious reasons), daughter of the fifth respondent, has been forcibly taken by the fifth respondent with the aid of police on 04.03.2023.

2. Learned counsel for the petitioner submits that the petitioner has married the absentee at Mariamman Temple at Niranjan Street, Velacherry, Chennai. The petitioner and absentee were planning to get the marriage registered on Monday (06.03.2023), however, on 04.03.2023, the absentee was taken away by the fifth respondent. Thereafter, the petitioner is unable to contact the absentee. Hence he had sent representations to various authorities including the Director General of Police, Deputy Inspector General of Police and Superintendent of Police of Thiruvannamalai, Deputy Superintendent of Police, Arani, Inspector of Police, Town Police Station, Arani, District Collector, Thiruvannamalai and to the Revenue Authorities of Arani. The petitioner's representations evoked no response. Therefore, he has



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filed this petition and in support of his contention, the petitioner filed a typed set of papers containing school certificates, Aadhar Card, PAN Card and the representations sent to the authorities. He further submits that now the difference in their community seems to be an obstacle for the continuance of the married life.

3. Learned Additional Public Prosecutor submits that one Selvarani, mother of the absentee lodged a complaint in Arani police station on 28.02.2023 complaining that her daughter was abducted by the petitioner on 27.02.2023, based on which, a case in Crime No.190 of 2023 was registered for 'woman missing'. On investigation, the police found that the petitioner and the absentee are residing in a rented house at Velacherry, Chennai. The absentee was secured and during enquiry, she informed that she wants to join her parents. From then, she has been residing with her mother. The statement of the absentee has been recorded on 04.03.2023.

4. Today, the petitioner as well as the absentee are present before us. We had interacted with both and also allowed both of them to have interaction for few minutes. The absentee, after interaction with the petitioner, was again enquired by us and she confirmed her willingness to go along with her parents. The



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petitioner during interaction submitted that the petitioner and the absentee belong to different communities and they were not aware of this difference and the absentee had voluntarily come with him and on her compulsion, the marriage had taken place in a temple and thereafter they wanted to register the marriage. Thirty relatives of the absentee along with Arani police had come to Chennai and forcibly taken the absentee, at that time, undertaking given that the absentee would come back and join the petitioner. Contrary to the undertaking, the absentee now forcibly detained by the fifth respondent with the aid of police. Petitioner produced photographs showing the petitioner and the absentee together inside the temple. Be that as it may, now the absentee who is a major, informed her willingness to go with her mother who is also present before this Court.

5. In view of the above, nothing survives in this habeas corpus petition and the same stands closed, preserving the rights and contentions of all the parties concerned.

(M.S.,J.) (M.N.K.,J.)
31.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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