



WEB COPY



H.C.P.No.696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN
THILAKAVADI

H.C.P.No.696 of 2023

B.Aravind

.. Petitioner

Vs.

1. The Commissioner of Police
132, EVK Sampath Road
Vepery, Periamet, Chennai – 600 007

2. The Inspector of Police
N-1, Royapuram Police Station
Chennai – 600 013

3. Mr.Balasubramani ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the 2nd respondent to produce petitioner's wife xxx, female, aged 28 years, from the illegal custody of the 2nd respondent before this Court and set her at liberty.

For Petitioner : No Appearance

For Respondents : Mr.R.Muniyapparaj

Page Nos.1/7



WEB COPY



H.C.P.No.696 of 2023

Additional Public Prosecutor
Assisted by
Mr.Sylvester John, Advocate

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 28.04.2023, which reads as follows:

'The petitioner lodged a complaint before the second respondent stating that he married the absentee on 04.04.2022 at Periyar Self Respect Marriage Bureau, Periyar Thidal No.84/1(50), EVK Sampath Road, Vepery, Chennai, thereafter, the marriage was informed to the absentee's parents, even though it was intercaste marriage, initially they agreed for the marriage, on 05.02.2023, the absentee's parents took the absentee to their native at Thirumayam, Pudukottai District, thereafter, the petitioner is unable to contact his wife and the third respondent called the petitioner and warned him not to contact his daughter and also threatened him. Now the petitioner apprehends life safety to his wife. Though the complaint was lodged with the second respondent annexing photographs and marriage certificate giving all the contact details, the respondent police failed to



WEB COPY



H.C.P.No.696 of 2023

take any action. Hence, the petitioner filed this Habeas Corpus Petition.

2. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, who accepts notice for respondents 1 and 2 submits that on receipt of complaint both Royapuram as well as Washermenpet Police conducted the enquiry, third respondent agreed to attend the enquiry and the enquiry would be conducted to find out whether the absentee is in illegal detention. If the absentee is found to be in illegal custody, she would be secured and appropriate steps will be taken on the complaint of the petitioner. The petitioner would also be kept informed about the stages of enquiry and steps taken.

3. Though both the petitioner and absentee are major and they got intercaste marriage and petitioner apprehends life threat to the absentee, second respondent - Royapuram police as well as Washermenpet Police to conduct enquiry, find out the safety of the absentee and proceed accordingly.

4. List on 02.06.2023.

5. In the meanwhile, if the absentee is secured, she shall be produced before the jurisdictional Magistrate, if it is required. It is informed that the jurisdictional magistrate is XVI Metropolitan Magistrate, GT Court, Chennai.'

3. Today, the petitioner, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor of Respondents 1 and 2 (official respondents) instructed by Mr.G.Mariappan, Inspector of Police, Royapuram Police Station, third



H.C.P.No.696 of 2023

respondent and 'xxx' (we are masking the name and shall be referring the person as 'absentee' for obvious reasons) are before this Court.

4. The petitioner and absentee got married on 04.04.2022 at Periyar Self Respect marriage Bureau, Periyar Thidal, Chennai.

5. The basis on which captioned HCP was filed has been captured in the proceedings made in the previous listing on 28.04.2023, which has been reproduced supra.

6. Today, we had short interactions with the absentee and the petitioner one after the other in that order and the following emerged:

i) The absentee is now residing with the third respondent (absentee's father) in Pudukottai and the address has been furnished to the petitioner;

ii) The absentee has filed matrimonial proceedings i.e., H.M.O.P on the file of Family Court, Nagercoil for severing the matrimonial relationship;

iii) The absentee is not in illegal custody and the absentee says that she has filed the HMOP on her own volition.

7. In the light of the narrative thus far, we deem it appropriate to say



H.C.P.No.696 of 2023

that all the rights and contentions of the petitioner / absentee, third respondent and / or any other person concerned with the matter are preserved for the purpose being canvassed in the aforementioned Family Court / any other appropriate Court/Fora in any other proceedings/collateral proceedings. The aforementioned Family Court and / or Court/Fora shall deal with the matter on its own merits and in accordance with law uninfluenced by this order which is for the limited purpose of ascertaining whether there is illegal detention. To be noted, this is a habeas corpus legal drill.

In the light of the narrative thus far, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of all the parties concerned in the aforesaid manner.

(M.S.,J.)

(K.G.T.,J.)

12.06.2023

gpa



H.C.P.No.696 of 2023

To

WEB COPY

1. The Commissioner of Police
132, EVK Sampath Road
Vepery, Periamet, Chennai – 600 007
2. The Inspector of Police
N-1, Royapuram Police Station
Chennai – 600 013
3. The Public Prosecutor
Madras High Court, Chennai



WEB COPY



H.C.P.No.696 of 2023

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

gpa

H.C.P.No.696 of 2023

12.06.2023

Page Nos.7/7