



H.C.P.No.1528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

H.C.P. No.1528 of 2023

N.Preethi

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruvalam Police Station,
Katpadi Taluk, Vellore District.

3.S.Dakshinamoorthy
4.D.Kalaiselvi

... Respondents

Petition filed under Article 226 of The Constitution of India
praying for issuance of a writ of habeas corpus to direct respondents 1
and 2 to produce the petitioner's husband D.Netaji,
S/o.Dakshinamoorthy, aged about 25 years from the illegal custody of
the respondents 3 and 4 before this Court and set him at liberty.



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For Petitioner : Ms.S.Sridevi

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind
for R1 and R2

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

Seeking a direction to respondents 1 and 2 to produce the petitioner's husband D.Netaji, S/o.Dakshinamoorthy, aged about 25 years from the illegal custody of the respondents 3 and 4 before this Court and to set him at liberty, the present habeas corpus petition has been filed.

2. Petitioner is the wife of the detenu. The case of the petitioner is that the petitioner and detenu loved each other and they went to Tiruppur on 04.09.2022 and got married in a temple at Tiruppur on 07.09.2022 with the help of their friends. The marriage was opposed by the parents of the detenu as the petitioner belongs to a different community. The detenu left the house in the month of January 2023 for pacifying his parents but he did not return back. Stating that the detenu is illegally detained by his parents, the petitioner has come forward with the present petition.



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3. The detenu was produced before this Court today. On enquiry, the detenu has stated that he had married the petitioner believing that she is good but she was not upto his expectation. The detenu has further stated that due to the irresponsible behaviour of the petitioner, he left the petitioner.

4. Though the attitude of the detenu cannot be appreciated especially when he admits that he had married the petitioner as alleged in the petition, this Court finds that it is not a case of illegal detention. Therefore, leaving it open to the petitioner to seek appropriate remedy either for restitution of conjugal rights or for any other relief to which she is entitled to in law, this habeas corpus petition is dismissed.

(S.S.S.R., J.) (S.M., J.)
18.10.2023

Index : Yes / No

Neutral Citation: Yes/No

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To

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

2.The Inspector of Police,
Thiruvalam Police Station, Katpadi Taluk, Vellore District.

3.The Public Prosecutor, High Court, Madras.

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