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H.C.P.No.1601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

H.C.P.No. 1601 of 2023

G.Santhosh Kumar

.. Petitioner

VS.

1.The Superintendent of Police
Office of the Superintendent of Police
Thiruvavarur District.

2.The Inspector of Police
Thiruvavarur Town Police Station
Thiruvavarur District.

3.Mr.Mathivannan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent to produce the person or body of the petitioner's wife Detenue M.Abhinaya, D/o Mathivannan before this Hon'ble Court and set her at liberty.

For Petitioner

..

Ms.C.Renuka

For Respondents

..

Mr.A.Gokulakrishnan

Additional Public Prosecutor -for R1&R2

Mr.S.Venkatesan - for R3



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(Order of the Court was made by R.SURESH KUMAR, J)

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The prayer sought for herein is to direct the 2nd respondent to produce the person or body of the petitioner's wife Detenue M.Abhinaya, D/o Mathivannan before this Court and set her at liberty.

2. Today when the HCP is taken up for hearing, the third respondent in whose custody the detenue has been there for the past some days, brought the detenue before this Court. The third respondent who is none other than the father of the detenue and the petitioner claims to be the husband of the detenue.

3. The detenue girl stated before us that she fell in love with the petitioner, out of which they decided to marry each other. Therefore, on 30.05.2023, she claimed to have married the petitioner at a temple in Velankanni. Thereafter, she claimed to have been with him for 15 days and only thereafter she was brought to the paternal home. She would further state that she is presently at the paternal home, but she does not want to go with the parents ie., the third respondent and she wants to go with the petitioner, who is claimed to be the husband of the detenue.

4. We have interacted with the third respondent also, who is the father of the detenue. He said that the petitioner is not a proper person to marry.



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5. We have also interacted with the petitioner who would submit that after completing Diploma course, he is working in a private firm at Tambaram, where he claims to have been earning Rs.20,000/- per month and since he fell in love with the detenue girl, he married her on 30.05.2023 at Velankanni and they lived together for some time and he wants to live with the detenue by taking care of the life and protection of the detenue, he stated.

6. Since the petitioner is more than 21 years old and the detenue girl is more than 18 years old, both of them are majors and they also claimed to have got married to each other. According to them, the marriage has been solemnized. At this stage, taking note of the wish and will of the detenue girl, we do not find any merits in the contention raised by the third respondent. Therefore, we feel that the detenue girl can be permitted to go with the petitioner.

7. With the aforesaid observation, since the detenue is not in illegal custody with anyone, the H.C.P., is closed.

[R.S.K, J.] [K.B., J.]
25.08.2023

Index : Yes/No
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R.SURESH KUMAR, J.,
AND
K.KUMARESH BABU, J.,
KST

To

- 1.The Superintendent of Police
Office of the Superintendent of Police
Thiruvarur District.
- 2.The Inspector of Police
Thiruvarur Town Police Station
Thiruvarur District.

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