



WEB COPY



H.C.P.No.1971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1971 of 2023

M.Venkateswaran .. Petitioner

v.

1. State rep.by
The Commissioner of Police
Coimbatore City
Coimbatore District

2. The Inspector of Police
Saravanampatti Police Station
Coimbatore District

3. V.Subramaniam .. Respondents

Writ 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 petitioner's wife S.Varshini aged about 19 years or her body before this Hon'ble Court from the custody of the 3rd respondent and set her at liberty.



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For Petitioner :: Mr.P.Saravanan

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 & R2

ORDER

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

This writ petition is filed seeking the following relief:-

“To issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the petitioner's wife S.Varshini aged about 19 years or her body before this Hon'ble Court from the custody of the 3rd respondent and set her at liberty.”

2. The petitioner states that he has married the detenue by name Varshini. It is his case that he and the detenue were having love affairs for about 5 years. Stating that the girl's side started threatening the petitioner, it is the case of petitioner that he decided to marry the detenue girl on 05.09.2023. It is his further case that the third respondent has illegally detained the detenue and she is being intimidated without giving any food and other comforts.



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3. However, the detainee girl, who is produced before the Court today, states that though the petitioner has married her and the said marriage was in a temple, she is now willing to go with her parents and that she is not in the illegal custody as claimed by the petitioner.

4. Considering the fact that the detainee by name S.Varshini is a major and she is now in the company of her parents, this Court is unable to entertain this habeas corpus petition, as there is no case of illegal detention as alleged by the petitioner. Therefore, the habeas corpus petition stands dismissed. However, it is open to the petitioner to approach the Family Court or any other forum to resolve the matrimonial disputes without prejudice to the rights and contentions of both the parties to put forth their respective pleas and the observation made by this Court is only in the context whether the detainee is in illegal custody or not for the disposal of the matter.

Index : yes/no
Neutral citation : yes/no
ss

(S.S.S.R.,J.) (S.M.,J.)
11.10.2023



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To

WEB COPY

1. The Commissioner of Police
Coimbatore City
Coimbatore District
2. The Inspector of Police
Saravanampatti Police Station
Coimbatore District
3. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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