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H.C.P.No.2707 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09..01..2023

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.2707 of 2022

P.Steve Waugh

..... Petitioner

-Versus-

1.State Rep. by
The Commissioner of Police,
Office of Commissioner of Police,
Sholinganallur, Tambaram.

2.The Inspector of Police,
Guduvancherry Police Station,
Chengalpattu District.

3.Mr.Chandrasekar

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus the 2nd respondent to produce the corpus or body of petitioner's wife / detenue viz., Eniya Geetha, illegally detained by the 3rd respondent, before this court and set her at liberty.



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For Petitioner : Mr.V.Parthiban

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

This Habeas Corpus Petition has been filed seeking a direction to the 2nd respondent to produce the corpus or body of petitioner's wife / detenue viz., Eniya Geetha, before this court from the illegal detention of the 3rd respondent and set her at liberty.

2. This is second round of litigation. In the earlier round of litigation in HCP No.2058 of 2022, on 26.10.2022, this court passed the following order :-

“2. It is the case of the petitioner that he fell in love with Eniya Geetha and got married to her on 05.09.2022 at Madha Temple in Besant Nagar, Chennai and after marriage, his wife was living with him in his house. However, she was forcibly taken away by her parents on 26.09.2022 and they are not permitting his wife to join him. On these allegations, the present petition has been filed.”

3. On 17.10.2022, we passed the following order: "Today, K.Silambarasan (Mobile No.94981 48100), SubInspector of Police, Annur Police Station, Coimbatore



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District, is present. 2. Mr.R.Muniyapparaj, learned Additional Public Prosecutor takes notice for the respondents 1 and 2. 3. Notice to the respondents 3 and 4 returnable by 26.10.2022. Private notice is also permitted. 4. In the facts and circumstances of the case, we are of the view that the alleged detainee Eniya Geetha, aged about 19 years, should be produced before this Court and therefore, we direct the second respondent/police to produce her before this Court on 26.10.2022. The petitioner shall also be present before this Court on that day. Post the matter on 26.10.2022."

4. Today, Mr.K.Silambarasan, Sub-Inspector of Police, Annur Police Station [Mobile No.: 94981 48100], is present. The petitioner, respondents 3 and 4 and Eniya Geetha are also present.

5. We enquired Eniya Geetha. She stated that her date of birth is 22.12.2003; she is studying II year B.Com in a college in Coimbatore; she got acquainted with the petitioner via Instagram, fell in love and got married to him; after marriage she was in the petitioner's house and thereafter, she was taken away by her parents. When we pointedly asked her as with whom she wants to go, she categorically stated that she wants to go with the petitioner. Since Eniya Geetha is not a minor and further, when she is willing to go along with the petitioner, she is set at liberty to chalk out her own life.

Accordingly, this Habeas Corpus Petition is closed.

3. Now, it is the case of the petitioner that the detainee has once again been taken away by her parents. On 02.01.2023, we passed the following



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order:-

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“Today, Mr.K.Danasekaran, Special Sub-Inspector, T-8, Guduvancherry Police Station, is present before this Court.

2. We find that earlier this petitioner had filed HCP No.2058 of 2022 in which we had directed the production of the petitioner's wife and on such production, she stated that she would go with the petitioner. The learned counsel for the petitioner submitted that again his brother-in-law has forcibly taken his wife and gone. He also stated that the marriage of the petitioner with Eniyageetha is an Inter Community marriage. Hence, we direct the police to produce Eniyageetha before this Court on 09.01.2023.

3. Post this case on 09.01.2023. ”

4. Pursuant to the above, today, Mr.K.Anandajothi, Sub-Inspector of Police, T-8, Guduvancherry Police Station was present. The petitioner; the detenu; 3rd respondent and his wife were present.

5. When we enquired the detenu, she stated that she wants to go with the petitioner and that she does not want to go with her parents. The detenu is 20 years old, her date of birth being 22.12.2010. In such view of the matter, we cannot forcibly send her with the 3rd respondent.

In the result, this Habeas Corpus Petition is closed and the detenu is set at liberty to chalk out her own life.

(P.N.P., J.) (N.A.V.,J.)
09..01..2023

Index: Yes/No
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- 1.The Commissioner of Police,
Office of Commissioner of Police,
Sholinganallur, Tambaram.
- 2.The Inspector of Police,
Guduvancherry Police Station,
Chengalpattu District.
- 3.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH.J.,
AND
N.ANAND VENKATESH.J.,

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