



HCP(MD)No.258 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.03.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.258 of 2023

Umar Mukthar

.. Petitioner /Husband of
the detenu

Vs.

1.The Superintendent of Police,
Sivagangai.

2.The Inspector of Police,
Ilaiyankudi Police Station,
Sivagangai District.

3.Jesindharani

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 & 2 herein to produce the body or person of the petitioner's wife/detenu by name Shajana @ Sumaiya, D/o.Jeyaraj, aged about 20 years before this Court and set her at liberty.



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For Petitioner :Mr.B.Mahendrarajan
For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
AND
K.K.RAMAKRISHNAN,J.

The detenu was produced on 24.02.2023 and at that time certificates were produced by the petitioner to show that he has married the detenu in Jamath at Ramanathapuram, therefore, this Court directed the respondent police to verify whether the certificates produced are genuine and valid.

2. Now, it is reported by the learned Additional Public Prosecutor appearing for the respondents 1 & 2 that the marriage in the Jamath at Ramanathapuram been solemnized without getting consent from the Jamath to which the petitioner belong, which means that there is some procedural lapse in the said marriage.



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3. Be that as it may, now, the girl, who is produced before this Court, wants to be away from her mother since she is not compatible with her mother due to some domestic issues. The detenue being a major, choice is left open to her and as far as habeas corpus petition is concerned since the girl has not expressed any wish to live with the petitioner, who claims to be her husband, the habeas corpus petition is closed.

4. Accordingly, this petition is closed.

(G.J.,J.) (K.K.R.K.,J.)
02.03.2023

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
am

To

- 1.The Superintendent of Police,
Sivagangai.
- 2.The Inspector of Police,
Ilaiyankudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER MADE IN

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