



HCP(MD)No.237 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2023

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

H.C.P.(MD)No.237 of 2023

Rajkumar

.. Petitioner /Detenu's Husband

Vs.

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

2.The Deputy Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli District.

3.The Inspector of Police,
Muneerpalam Police Station,
Tirunelveli District.

4.Lawrence Jerold

5.Jancy Rani

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 3rd respondent to secure the petitioner's



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wife by name Mary Christila, D/o.Lawrence Jerold, aged about 20 years and produce her in person or her body before this Court and set her at liberty.

For Petitioner :Mr.V.Angusamy
For R1 to R3 :Mr.A.Thiruvadikumar
Additional Public Prosecutor
For R4 & R5 :Mr.C.Susikumar

ORDER

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

One Mr.Rajkumar, is before this Court alleging that he has married Mary Christila, on 25.01.2023 against the wish of her parents. To get protection from them, when they went to police station, the police call the parents of Mary Christila and forcibly sent her with the parents and now, she is in the custody of her parents, who are arrayed as fourth and fifth respondents. Hence, the present Habeas Corpus Petition is filed.



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2. According to the petitioner, in spite of giving a complaint to the police on 13.02.2023, not been taken for investigation. When the matter came up on earlier occasion, the mother of Mary Christila and the detenu Mary Christila appeared before this Court and stated that the petitioner herein gave a false promise that he is a unmarried man and has enticed Mary Christila and on coming to know about his falsehood, the said Mary Christila returned to her parents.

3. However, the petitioner stated that he is not a married man and he loved Mary Christila and both got married on 25.01.2023 and there is no proof for the said marriage, except the photographs wherein the petitioner and Mary Christila found with garland and the mother of the petitioner as well as the sister's husband of the petitioner accompanied with them in front of the closed gate of Balasubramanian Temple.

4. The learned counsel appearing for the petitioner states that the petitioner profess Hinduism, whereas, Mary Christila belongs to Christianity. There was a specific allegation made by the mother of Mary Christila as well as Mary Christila against the petitioner Rajkmuar that he



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made a false promise that he is a bachelor. However, he got married one Sonia Gandhi nearly 4 ½ years ago and after deserting her, he has enticed Mary Christila and hence, this Court directed the respondent police to secure and produce the said Sonia Gandhi to ascertain the truth.

5.Today, the said Sonia Gandhi also present before this Court. She stated that the petitioner herein 4 ½ years ago married her and they were living together. He tortured her and caused physical injury and driven her out and she being a helpless orphan and she could not get any redressal against the said Rajkumar.

6.From the statement of Mary Christila as well as Sonia Gandhi, it is clear that the petitioner herein had affair with Sonia Gandhi, who is none other than the sister of his brother-in-law, had deserted her and enticed Mary Christila. Though they profess different religions, she believed his word and married him by exchanging garland and by taking photographs. The attempt of the petitioner herein clearly indicates that he wants to create a document and harass the innocent girl, who now realising that he has been duped her.



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7. For the said reasons, this Habeas Corpus Petition is dismissed. The

respondent police are directed to make investigation on the complaint given by Rajkumar and proceed against the persons, who are guilty of any cognizable offence.

(G.J.,J.) (K.K.R.K.,J.)
27.02.2023

NCC :Yes/No

Index:Yes/No

Internet:Yes/No

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To

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

2. The Deputy Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli District.

3. The Inspector of Police,
Muneerpalam Police Station,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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