



HCP(MD)No.371 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.03.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.371 of 2023

Muniyasamy

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.

3.The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.

4.Palanichamy

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the first respondent to directing the second and third respondents to secure and produce the person or body of the petitioner's wife Subblakshmi wife of Muniyasamy aged about 21 years before this Court.



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For Petitioner : Mr.A.Prasanna Rajadurai
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus Petition has been filed for a direction to the second and third respondents to secure and produce the person or body of the petitioner's wife Subblakshmi wife of Muniyasamy aged about 21 years before this Court.

2. Today the detinue has been produced before this Court by the respondent police. When we enquired her, she stated that though the marriage was solemnized between her and the petitioner that marriage itself, according to the detinue, was against her wish and it has been performed because of the compulsion of her parents as the petitioner and the detinue happened to be relatives. After marriage, within few months, the petitioner had gone to some other place for job and in the meanwhile, the detinue contacted one Gopinath with whom, she claimed that she fell in love even prior to the marriage with the petitioner herein and on her own volition, she



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had gone with the said Gopinath and had been residing with him at Hosur and after filing this petition, at the instance of the police officials, she had come now.

3. She also submits that she is not ready and willing to go with the petitioner herein or to the matrimonial home nor she wants to go along with her parents because they are compelling her to join with the petitioner, however, she is not willing.

4. In view of the said stand taken by the detinue, since she is a major, the status of the detinue cannot be construed as an illegal custody and she had been residing at Hosur on her own volition with the said Gopinath and therefore, the Habeas Corpus Petition can be closed by recording the aforesaid facts. Accordingly, this petition is closed. It is open to the petitioner as well as the detinue to approach the appropriate Court for recourse of any remedy available to them.

(R.S.K.,J.) (K.K.R.K.,J.)
31.03.2023

Index : Yes/No
Internet : Yes
RR



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Madurai Bench of Madras High Court, Madurai.



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and
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