



H.C.P.(MD) No.397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Sikkanthar

... Petitioner / Husband of the
detenue

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police Office,
Karur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police Office,
Aravakurichi,
Karur District.
- 3.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

4.Deva

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents No.1 to 3 to produce the person or body of the detenue by name Karthika @ Maysaa,



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D/o. Deva, Female, aged about 21 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.R.M.S.Sethuraman
1 to 3 Additional Public Prosecutor

For 4th Respondent: Mr.I.Robert Chandrakumar

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Habeas Corpus Petition has been filed seeking a direction to the respondents No.1 to 3 to produce the person or body of the detainee by name Karthika @ Maysaa, D/o. Deva, Female, aged about 21 years before this Hon'ble Court and set her at liberty.

2. The detainee girl viz., Karthika has been brought before this Court. She had come from the 4th respondent's house i.e., the parental house. The 4th respondent is the father of the detainee.

3. Though there is one version from the petitioner side that he got married with the detainee girl in a Zamat at Ar-Rahman Muslim Jamath at American Mission Church Street, Madurai, some time in December, 2022,



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the learned Additional Public Prosecutor appearing for the respondent police has stated that the detainee girl had given a statement to the 3rd respondent, where she has stated that she is not knowing the petitioner and the petitioner in order to gain something is using the photograph and the name of the detainee.

4. Though this kind of statement has been given by the detainee girl, there are some documents produced by the petitioner side as if marriage had taken place in a Muslim Zamat and an affidavit said to have been executed by the detainee also had been filed.

5. On perusal of these documents, we feel that, since the detainee is 21 years old girl and was studying I year MBBS course in Madurai, whether she is in correct state of mind to reveal things in proper way has to be known, because the version she has given before the police and the version of the petitioner is diagonously in opposite directions. Therefore, in this regard, the complaint given by the petitioner to the respondent police on 17.03.2023 can be enquired into and after investigation, if there is any cognizable offence is made out, action can be taken.



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6. However, insofar as the present custody of the detainee girl is concerned, since she is with the 4th respondent, who is none other than the father of the detainee girl, along with the mother and brother of the detainee, who are the family members, we feel that, for the safety and security of the detainee girl, she can be taken by the 4th respondent and look after her well being and after the investigation is completed, as indicated above, by the respondent police on the complaint given by the petitioner further course of action can be decided by the parties.

7. Insofar as the petitioner's claim to have the personal rights of marriage i.e., restitution of conjugal rights are concerned, it is open to him to approach the concerned Court in the manner known to law.

8. With these observations and directions, this Habeas Corpus Petition is closed.

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

19.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ



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To

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Aravakurichi,
Karur District.
- 3.The Inspector of Police,
Aravakurichi Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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