



HCP(MD)No.423 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.04.2023

CORAM

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

H.C.P.(MD)No.423 of 2023

M.Pandian

.. Petitioner

Vs.

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

2.The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.

3.Aasath

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 and 2 to secure and produce the body or person of the detenu Nambi Nayaki, D/o.Pandian, aged about 22 years from the illegal custody of the 3rd respondent and produce her before this Court and set her at liberty.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.RMS.Sethuraman for
R1&R2
Additional Public Prosecutor



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ORDER

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

This Habeas Corpus Petition has been filed for a direction to the respondents 1 and 2 to secure and produce the body or person of the detenu Nambi Nayaki, D/o.Pandian, aged about 22 years from the illegal custody of the 3rd respondent and produce her before this Court and set her at liberty.

2. When this petition was taken up for hearing today, the detenu, namely, Nambi Nayaki has been produced before this Court, who stated before us that since she fell in love with the third respondent, in order to marry him, she left her parental home sometime in February 2023 and had gone to Hosur with the third respondent, where, on 17.02.2023, she claimed to have married the third respondent in a Church. Thereafter, they have resided in a separate house.

3. She also disclosed the fact that the third respondent is already a married man and he, after getting customary divorce with his first wife, has married her and all these factors are known to her and knowing well that the



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third respondent is a married man and the first wife has been given divorce by the third respondent, then only, the detainee decided to marry the third respondent and she submits that they are happily living at Hosur.

4. We also enquired the third respondent, who had come before this Court and would submit that though he got married in the year 2008 with one Kanaka, out of the wedlock, there is a boy, who is 13 years old now and leaving the boy, the first wife had left the matrimonial home by giving a written consent for dissolution of their marriage and thereafter only since he fell in love with the detainee decided to marry her.

5. After having heard the detainee as well as the third respondent, we feel that the detainee is not in the illegal custody either at the hands of the third respondent or anyone else. Therefore, by recording the afore-stated, this Habeas Corpus Petition is closed. Accordingly, this petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
20.04.2023

Index : Yes/No
Internet : Yes
RR



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Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.

RR

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