



H.C.P.(MD) No.496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Vinoth Kumar

... Petitioner / Husband of the Detenue

Vs.

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

2.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

3.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

4.Balakrishnan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the detenue, namely, Aarthi, W/o.Vinoth Kumar, aged about 22 years before this Court and set her at liberty.



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For Petitioner : Mr.S.Muniyandi
For R1 to R3 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

ORDER

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

The petitioner, seeking production of his wife, namely, Aarthi, aged about 22 years, has filed this Habeas Corpus Petition.

2.The detainee, namely, Aarthi, aged about 22 years, is the daughter of the 4th respondent. The petitioner claimed to have married the detainee and on that score, he had moved this Habeas Corpus Petition on the alleged reason that the 4th respondent and other family members of the detainee had forcibly taken the detainee from the custody of the petitioner.

3.Today, when the matter is taken up for hearing, the official respondents have produced the detainee before this Court. The detainee has stated that she does not want to go with the petitioner and in this context, already a statement had been given by the petitioner before the 2nd respondent Police on 05.02.2023, which has been recorded in front of the



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petitioner's father and brother and since the detenue is studying only 2nd year of her U.G., degree, she wants to continue her studies.

4.The 4th respondent is also present before this Court and he would submit that he will take care of the well-being of the detenue hereafter and he wants to take the detenue with him.

5.In this context, it is to be noted that though such a categorical statement had been given by the petitioner before the 2nd respondent Police on 05.02.2023 that since the detenue did not wish to go with the petitioner, he had requested the Police not to take any further action and when the petitioner filed manuscript of the said statement given by him dated 05.02.2023, in the typed version as a clean copy the petitioner had omitted to type the relevant portion as if he projected the case before this Court that the detenue had been very adamant to come with him and not to go with the 4th respondent. This kind of attitude on the part of the petitioner is to be deprecated, as he wanted to conceal the important fact before this Court.



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6. In view of the aforesaid, having recorded the said statement of the detainee, we are satisfied that the detainee is not in illegal custody at the hands of anyone, including the 4th respondent and since she wants to go with the 4th respondent, who is her father, recording the same, we allow the detainee girl to go along with her father. By thus, this Habeas Corpus Petition stands closed.

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

24.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

To

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

2. The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.



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3.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

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



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