



HCP(MD)No.455 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.455 of 2023

K.Kanagaraj

.. Petitioner

Vs.

1.The Superintendent of Police,
Trichy District

2.The Inspector of Police,
Kattuputhur Police Station,
Trichy District

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 2nd respondent to produce the body or person of the petitioner's wife detainee namely Keerthiga D/o.Ramesh aged 18 years, before this Court and set her at liberty.

For Petitioner : Mr.P.Mani Anandh

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

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(Order of the Court was made by M.S.RAMESH, J.)

The petitioner herein has filed the present Habeas Corpus Petition seeking for production of one Keerthiga aged about 18 years claiming to be his wife. Prior to that he had given a complaint before the 2nd respondent herein stating that the said Keerthiga had left the house.

2. Today, when the matter was called, the learned counsel for the petitioner had produced Keerthiga before us. When we had interacted with the said Keerthiga, she claims that she was in love with one Karthick and about three months back, she had gone to live with him and subsequently based on the complaint given by her mother, she was forced and brought to the petitioner's house. Thereafter, she was forcibly given in marriage to the petitioner herein on 13.03.2023. Since she intended to live with Karthick, she had left the house, after four days of the marriage on 17.03.2023 and joined Karthick. Now, she claims to be living with Karthick. When we specifically asked her about her future plans, she categorically stated that she wanted only to join and live with Karthick.



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3. Ms.Keerthiga was born on 08.09.2004 and now aged about 19 years. We do not intend to go into the validity of the marriage and her wishes to live either with the petitioner herein or the said Karthick. The limited relief sought for by the petitioner is that the production of Ms.Keerthiga and set her at liberty.

4. When a major girl expressed her views to live with Karthick, this Court exercising its jurisdiction under Article 226 of the Constitution of India will not be justified in compelling or forcing her to live with the petitioner herein. By recording the statement made by Ms.Keerthiga before us, this Habeas Corpus Petition stands closed as no further orders are required in this petition.

(M.S.R.,J.) (M.N.K.,J.)
07.08.2023

NCC :Yes / No

Internet : Yes

RR

To

- 1.The Superintendent of Police,
Trichy District
- 2.The Inspector of Police,
Kattuputhur Police Station, Trichy District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

RR

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