



H.C.P.(MD) No.612 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.612 of 2023

Ambirajan

... Petitioner / Father of
the detenue

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul,
Dindigul District.

2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Nilakottai,
Dindigul District.

3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the Respondents herein to produce the body or person of petitioner's daughter namely Muthurakku, W/o.



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Sivapandi, aged about 28 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

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 herein to produce the body or person of the petitioner's daughter namely Muthurakku, W/o. Sivapandi, aged about 28 years, before this Court and set her at liberty.

2. Today, when the case is taken up for hearing Mr.RMS.Sethuraman, learned Additional Public Prosecutor, appearing for the respondents has produced the detainee viz., Muthurakku, W/o. Sivapandi. The detainee stated that, though she married Sivapandi in the year 2011, being arranged marriage, and out of the wedlock she gave birth to a female child aged about 10 years old and now studying IV standard, there has been a strained relationship between the detainee and her husband.



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3. She would also submit that, from childhood days, she had been knowing one Raghu, with whom she had fell in love and despite the marriage having been made in the year 2011 between the detenue and the Sivapandi and out of the wedlock there was a female child as stated supra, still she wants to continue the relationship with the said Raghu, who is residing at Tiruppur, therefore, she left the matrimonial home in April, 2023 and joined with the said Raghu.

4. She would also submit that, on April 24th at the residence at Tirupur, she and the said Raghu married, however, for the said marriage there is no other witness and no one was present, according to the detenue, at the time of the marriage and she wants to live with him continuously and not interested in coming to either the matrimonial home or to the parental home i.e., with the petitioner, who is none other than the father of the detenue.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.



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6. In view of the said stand taken by the detinue, whether the marriage said to have been performed between the detinue and the said Raghu on April 24th is a valid marriage and pursuant to which whether she can live with the said Raghu abandoning her legally wedded husband and the child born out of the wedlock are all the matters to be decided by the competent Court under personal law remedies. Therefore, the parties, i.e., the detinue as well as her husband Sivapandi have to work out their personal remedies before the appropriate Court of law.

7. For the present, we are of the view that, since the detinue is not under illegal custody of any one, as she narrated the aforesaid story, recording the same, we feel that this Habeas Corpus Petition can be closed and accordingly, it is closed.

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

01.06.2023

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



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To

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Dindigul District.
- 2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Nilakottai,
Dindigul District.
- 3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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