



HCP (MD)No.899 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

HCP(MD).No.899 of 2023

Mahesh

: Petitioner

Vs

- 1.The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District
- 3.The Inspector of Police,
Virudhunagar Town Police Station
Virudhunagar District
- 4.The Government Women Home,
Pandian Nagar
Virudhunagar, Virudhunagar District
Through its in-charge officer

: Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the respondents No.1 to 3 herein to secure and produce the body or person of the



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detenue namely Jeyavarthini, D/o.V.Mahesh, aged about 22 years, before this Court and set her at liberty.

For Petitioner : Mr.R.Shenbagaraj
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner's daughter, Ms.Jeyavardhini was born on 25.05.2001 and now aged about 22 years and is claimed to have gone missing from 03.06.2023. The petitioner has given a complaint on 07.06.2023 to the third respondent herein, which was registered in Crime No.144/2023 on the file of the third respondent police. In this background, the present Habeas Corpus Petition has been filed.

2.In the affidavit filed in support of the Habeas Corpus Petition, the petitioner has stated that he had made arrangements for performing the marriage of Ms.Jeyavardhini on 22.05.2023 and his daughter, on her own volition, had contacted the Social Welfare Officer, Virudhunagar, through phone and stopped her marriage. On the basis of this sworn statement in the



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affidavit, he has now sought for production of his daughter before this Court.

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3.We had directed the learned Additional Public Prosecutor to get instructions on the present status and accordingly, the matter was listed today. The third respondent, on instructions from the learned Additional Public Prosecutor, had produced Ms.Jeyavardhini before this Court today.

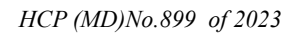
4.We had spoken with Ms.Jeyavardhini, who stated that she was born on 25.05.2001 and that her parents had pressurized and compelled her to get married to one Dinesh Kumar against her wishes, on 22.05.2023. Thereafter, her husband had coerced and compelled her to have physical relationship to which she had refused. Ultimately, unable to bear with the coercion, she had called 181 Help line and accordingly, she was secured from her parents house. She initially stayed with her father's elder sister's house, namely, Kavitha Dhanasekaran, in Chennai and thereafter, when her parents started to threaten her aunt Kavitha Dhanasekaran, she was advised to leave from there and she is now staying in a hostel at Annanagar, Chennai.



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5. The learned Additional Public Prosecutor also produced the case diary in Crime No.144/2023, which contains the statement of the petitioner dated 22.06.2023. As per the said statement, the petitioner has clearly stated that the petitioner's daughter was given in marriage on 22.05.2023. He has also stated that his daughter did not agree for the marriage and therefore, refused to live with her husband and accordingly, had called 181 Help line on 03.06.2023 and complained of marriage by compulsion. Pursuant to her call, she was secured from her parents and taken to the petitioner's elder sister's house. He has also affirmed in his letter dated 22.06.2023 that when he wanted Ms.Jeyavardhini to come back to him, she had refused and therefore, he would wait till she changes her mind. Apparently, this letter dated 22.06.2023 given by the petitioner to the one stop centre has been suppressed in the present affidavit, dated 14.07.2023 by the petitioner, filed in support of this petition.

6. This apart, the petitioner's elder son M.Jeyavel had also given letter dated 23.06.2023 to the One Stop Centre stating that his sister was given in marriage by compulsion. Through the letter, he had handed over all her educational testimonials to her.



8. In view of the statement made by Ms.Jeyavardhini and the statement given by the petitioner himself before the One Stop Centre, we are of the view that Ms.Jeyavardhini need not reconcile with her father for the present. Nevertheless, the suppression of material facts before us cannot be left unnoticed. Though on a prima facie view such statement would amount to acts of perjury, we refrain ourselves from taking further course of action in this regard in view of our decision to impose exemplary cost on the petitioner.



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9. In the light of the above, the prayer sought for in the present Habeas Corpus Petition does not require consideration. Accordingly, this Habeas Corpus Petition stands dismissed. Consequently, Ms.Jeyavardhini is at liberty to choose her place of residence and continue to live there.

10. The petitioner herein shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to St. Patrick Isaac Home for the Hope, Backside of Sirungeri Mutt, Bypass Road, Madurai. The cost shall be paid within a period of one week from the date of receipt of a copy of this order.

11. Post on **10.08.2023**, '*for recording compliance of this order*'.

[M.S.R.,J] [M.N.K.,J]

27.07.2023

Index : Yes / No

Internet : Yes

Office to Note: Order Copy on 28.07.2023

RR

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To

1. The Superintendent of Police,
Virudhunagar District.

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

3. The Inspector of Police,
Virudhunagar Town Police Station
Virudhunagar District

4. The Government Women Home,
Pandian Nagar
Virudhunagar, Virudhunagar District
Through its in-charge officer

5. The In-charge/care taker
St. Patrick Home for Hope
Backside of Sirungeri Mutt,
Bypass Road, Madurai.

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



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M.NIRMAL KUMAR, J.

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