



HCP (MD)No.903 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2023

CORAM

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

HCP(MD).No.903 of 2023

Rangasamy

: Petitioner

Vs

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

2.The Inspector of Police,
Thadikombu Police Station, Dindigul

3.Satheeshkumar

: 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 1 and 2 herein to secure the detenu namely Aishwarya, D/o.Satheeshkumar, aged about 23 years and produce before this Court and set her at liberty.

For Petitioner : Mr.P.Manikandan

For Respondents : Mr.RMS.Sethuraman for R1 and R2

Additional Public Prosecutor

Mr.T.Leninkumar for R3



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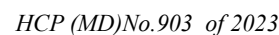
ORDER

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

The petitioner herein is the husband of Ms.Aishwarya, who is the daughter of the third respondent. While the petitioner was born on 06.10.1992, the third respondent's daughter Ms.Aishwarya was born on 11.12.1999. Both the petitioner as well as Ms.Aishwarya had married each other, the said marriage was registered on 02.03.2023 before the Marriage Registrar, District Registrar Office, Dindigul, in Regn. No.HMR/DINDIGUL/JOINT/1/98/23.

2. Apparently, both the petitioner, as well as the daughter of the third respondent herein, are majors and have entered into a valid marriage. As per the affidavit filed in support of the petition, the petitioner has stated that after the marriage, the third respondent herein did not accept their marriage and had coerced Ms.Aishwarya to file a civil suit before the Family Court, Dindigul in O.S.No.8/2023 challenging the marriage certificate. He has also stated that his wife Ms.Aishwarya intends to live only with him. In this background, when he was not able to join his wife, who was under the custody of the third respondent herein, he has filed the present Habeas Corpus Petition.



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Faculty Office, Madurai
045-24100003

Description of P.W. 1

Name	தருக்கமணி	Gender	Female
D.O.B	24/07/2001, Madurai	Religion	Christian
Address	T. Madurai		
Qual	B.A.		
Qualif	B.A. (Hons)		
Phone	045-24100003		

உருக்கமணிக்கு 045-24100003 என்ற தொலைபேசி எண். இவரின் குடும்பம் மதுரை நகரில் உள்ளது.

குடும்ப விவரம்:

இவர் தனது குடும்பத்தில் குடும்ப விவரம் குறித்து விவரமாக குறிப்பிட்டுள்ளார். குடும்பம் மதுரை நகரில் உள்ளது. குடும்பம் மதுரை நகரில் உள்ளது. குடும்பம் மதுரை நகரில் உள்ளது. குடும்பம் மதுரை நகரில் உள்ளது.

இவருக்கு மதுரை நகரில் உள்ளது. இவருக்கு மதுரை நகரில் உள்ளது. இவருக்கு மதுரை நகரில் உள்ளது. இவருக்கு மதுரை நகரில் உள்ளது.

குடும்ப விவரம்:

இவர் தனது குடும்பத்தில் குடும்ப விவரம் குறித்து விவரமாக குறிப்பிட்டுள்ளார். குடும்பம் மதுரை நகரில் உள்ளது. குடும்பம் மதுரை நகரில் உள்ளது. குடும்பம் மதுரை நகரில் உள்ளது. குடும்பம் மதுரை நகரில் உள்ளது.

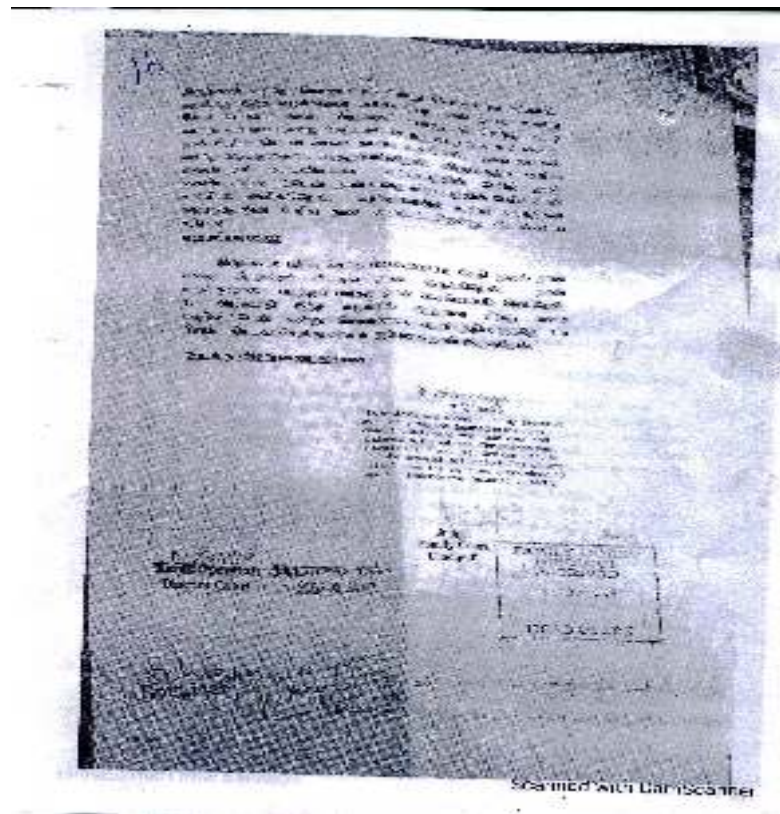
இவருக்கு மதுரை நகரில் உள்ளது. இவருக்கு மதுரை நகரில் உள்ளது. இவருக்கு மதுரை நகரில் உள்ளது. இவருக்கு மதுரை நகரில் உள்ளது.



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4. Pending this Habeas Corpus Petition, on our directions, the second respondent police had produced the girl Ms.Aishwarya, as well as the petitioner herein, before us. We had an interaction with both of them separately. Both of them, in very clear terms, stated that they had married each other and intended to live together. Both of them have joined together and started an E-commerce business in the name and style of AIRA Costumes, which is running successfully at No.24 Duraisamy Road, T.Nagar, Chennai 17. Incidentally the name of their business, is also a coinage of both their names (Aishwarya & Rangasamy).



5. Even as per their individual statements, the petitioner herein stated before us that he was in love with Ms.Aishwarya and in view of the marriage, he intends to take her back home and settle down in Alapakkam at Chennai. He stated that his parents and family members have accepted their marriage gracefully. He further stated that their business is running profitably and that he would take good care of Ms.Aishwarya. He also expressed his apprehension on the safety of their lives and liberty from the third respondent and his family members. He further expressed that though both the petitioner as well as Ms.Aishwarya belong to the same community, the third respondent is not willing to accept their marriage because of their financial status.

6. Likewise, Ms.Aishwarya had clearly and categorically stated that she intends to live with her husband/petitioner only and not with her parents. She reiterated that after the registration of her marriage, she had come back to her parents and had not initially disclosed the registration to them. She also informed us that her parents are not willing to accept the petitioner since his family is in a lesser financial status than her parents. Later when they found about the marriage, they had compelled and coerced her to file a suit in O.S.No.8/2023 and she had succumbed to the compulsion and threat and



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therefore, filed the suit. During the deposition before the Family Court, Judge, she had disclosed the circumstances under which she was compelled to file the suit and that she is ready to withdraw the suit. This statement made by Ms.Aishwarya before us is corroborated in the deposition made by her before the learned Family Court Judge, Dindigul on 05.06.2023.

7. We have given our anxious consideration to the submissions made before us by both the petitioner as well as Ms.Aishwarya and having taken into consideration that these statements were also reiterated by them before the learned Family Court Judge and the same being corroborated, we are of affirmed view that the petitioner would be entitled for the care and custody of his wife Ms.Aishwarya.

8. While considering the aspect of Ms.Aishwarya's intention to withdraw the suit is concerned, the same has been recorded by the learned Family Court Judge in the deposition dated 05.06.2023. In view of these statements, there cannot be any further proceedings and the Family Court also requires to close the suit proceedings in view of such a statement. In consequence, her intention to withdraw the suit at the Family Court, Dindigul,



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the physical presence of Ms.Aishwarya before the Court may be required.

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9. Ms.Aishwarya as well as the petitioner herein have expressed their apprehension to the safety of their lives and liberty. Since Ms.Aishwarya's family members are residents of Dindigul, where the Family Court is situated, their anxiety appears to be substantive.

10. In this background, we are of the view that if the suit in O.S.No. 8/2023 before the Family Court, Dindigul, is directed to be closed without insisting for the appearance of the parties, by invoking our power of superintendence vested in us over the subordinate Courts of the State under Article 227 of the Constitution of India, the ends of justice could be secured.

11. Accordingly, the Habeas Corpus Petition stands allowed with the following directions:

(a) The custody of Ms.Aishwarya, wife of the petitioner herein, who has been secured and produced before us, is ordered to be handed over to the petitioner forthwith;



(b) The petitioner herein shall be at liberty to have the care and protection of Ms.Aishwarya and continue to live with her;

(c) The second respondent police shall extend necessary protection to ensure that the petitioner and his wife Ms.Aishwarya leave peacefully from and out of their jurisdiction;

(d) On reaching Chennai, the petitioner and Ms.Aishwarya are at liberty to seek for necessary police protection from the Maduravoyal Police Station for their safety, which shall be done through a representation along with a copy of this order. On receipt of such representation, the Station House Officer of Maduravoyal Police Station shall extend the necessary protection forthwith;

(e) There shall be a direction to the Family Court Judge, Dindigul, to pass final orders in the suit proceedings in O.S.No.8/2023, based on the statement of Ms.Aishwarya/P.W.1 dated 05.06.2023 and close the suit proceedings as “withdrawn”. While passing such final orders, the physical presence of Aishwarya as well as the petitioner, namely, Rangasamy before



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the family Court, is dispensed with and the Court is at liberty to pass such final orders, without their presence; and

(f) We desire that the parents of Ms.Aishwarya may accept the marriage of their daughter with the petitioner, since such acceptance would bring peace and comfort not only to their daughter but also to themselves.

[M.S.R.,J] [M.N.K.,J]
21.07.2023

Index : Yes / No
Internet : Yes

Office to Note: Upload the order immediately

RR

To

1.The Family Court
Dindigul District.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The Inspector of Police,
Thadikombu Police Station, Dindigul

4.The Inspector of Police,
Maduravoyal, Chennai.

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

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

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