



HCP (MD)No.904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2023

CORAM

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

HCP(MD).No.904 of 2023

Regin Sahaya Antony Rose

: Petitioner

Vs

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

2.The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District

3.Antony Dhas

4.Randi Booster Diana

: 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 to produce the body or person of the petitioner's wife namely Dorothy Sabteca, W/o.Regin Sahaya Antony Bose, aged about 19 years, before this Court and set her at liberty.



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For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.RMS.Sethuraman for R1 and R2
Additional Public Prosecutor
Mr.S.Sivakumar for R4

ORDER

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

The petitioner had married one Dorothy Sabteca, the daughter of the 4th respondent on 15.05.2023 at Uttar Pradesh. He has filed the present petition to direct the respondents to produce his wife namely Dorothy Sabteca, W/o.Regini Sahaya Antony Bose, aged about 19 years.

2. The fourth respondent, who is the mother of the detainee Dorothy Sabteca had given a complaint to the second respondent stating that the petitioner had kidnapped her daughter and the same has been registered in Crime No.9/2023 for offence under Section 366 IPC. In the meantime, the petitioner also gave a complaint on 24.05.2023 before the 2nd respondent stating that his wife Dorothy Sabteca is in the illegal custody of the third and fourth respondents herein. It is in this background, the present Habeas Corpus Petition has been filed.



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3. Pending the Habeas Corpus Petition, the second respondent herein had secured the petitioner's wife/detenué Dorothy Sabteca and produced her before this Court. The petitioner also was present before us. We had interacted with both the petitioner as well as his wife Dorothy Sabteca individually.

4. Both of them informed us that they had married each other on their own will and accord. The detenué/Dorothy Sabteca had also made a clear statement before us that she was not kidnapped by the petitioner and that she had on her own free will and consent married him. The detenué has clearly stated to us that she intends to live only with her husband/petitioner herein. While the petitioner, who was born on 12.01.1989, is aged about 34 years, his wife Dorothy Sabteca was born on 01.05.2005 and had married him on 15.05.2023 after she had completed the age of 18 years. Both of them are majors and the marriage is deemed to be a valid marriage, unless declared otherwise.

5. When the complaint of the third and fourth respondents has been registered in Crime No.9/2023 and the same is pending enquiry, more so,



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when the detenue Dorothy Sabteca has expressed her views to live only with her husband/petitioner and not with the parents, the petitioner would be entitled for the prayer to secure and restore her custody to him. In this background, we are of the view that the custody of Dorothy Sabteca could be restored to the petitioner herein. Accordingly, the present Habeas Corpus Petition stands allowed and Dorothy Sabteca, W/o.Regini Sahaya Antony Rose, is at liberty to join and live with the petitioner herein as husband and wife.

[M.S.R.,J] [M.N.K.,J]
24.07.2023

Index : Yes / No

Internet : Yes

RR

To

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

2.The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District

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

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RR

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