



H.C.P(MD)No.909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2023

CORAM :

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

H.C.P(MD)No.909 of 2023

S.Prabakaran

.. Petitioner

vs.

1.The Superintendent of Police,
Office of the Superintendent of Police Office,
Madurai District.

2.The Inspector of Police,
Cholavanthan Police Station (L&O),
Madurai District.

3.Eswaran

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the detenue by name Muthuselvi, W/o.Prabakaran, female, aged 19 years, before this Court and set her at liberty.



4. The learned Additional Public Prosecutor produced the detinue Muthuselvi, accompanied by the third respondent before us. The petitioner was also present before this Court.

5. We had communicated with both the petitioner as well as the detinue Muthuselvi. While the petitioner stated that both of them had agreed to get married and have the same registered and accordingly, they had together had the marriage registered, the detinue Muthuselvi, claims that she was forced by the petitioner herein for the said marriage. The learned Additional Public Prosecutor also produced a copy of the statement given by Muthuselvi, to the second respondent on 22.07.2023, which ratifies the same.

6. When such disputed statements have been made by the petitioner as well as the detinue Muthuselvi, this Court exercising powers under Article 226 of the Constitution of India, will not venture to adjudicate such disputed facts. Even otherwise, while the petitioner was born on 31.07.1996 and is aged about 26 years, the detinue Muthuselvi was born on



H.C.P(MD)No.909 of 2023

23.09.2003 and is aged about 19 years. The petitioner is DCA graduate and is doing business on his own and the detinue Muthuselvi is pursuing her 3rd year in B.Com. The petitioner's complaint is also pending before the second respondent herein. While the two persons who are majors by age, have taken some conscious decision and marriage has been registered and now such a marriage is being disputed, we will not venture into such a dispute. It is always open to the petitioner to pursue the complaint which is pending, before the second respondent herein or before any other appropriate Court in accordance with law.

7. Accordingly, the Habeas Corpus Petition is closed.

(M.S.R., J.)

(M.N.K., J.)

24.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

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H.C.P(MD)No.909 of 2023

To

1. The Superintendent of Police,
Office of the Superintendent of Police Office,
Madurai District.
2. The Inspector of Police,
Cholavanthan Police Station (L&O),
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Joint Secretary,
Public (Law and Order) Department,
Fort St.George, Chennai.



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H.C.P(MD)No.909 of 2023

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

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