



HCP(MD)No.1595 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1595 of 2023

P.Gopala Krishnan

: Petitioner

Vs.

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

2.The Inspector of Police,
Chinnalapatti 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 to produce the body or person of the petitioner's wife namely B.Kiruba, D/o.Babu @ Murugan Babu, aged about 22 years before this Court and set her at liberty.

For Petitioner : Mr.Shaazim Shagar

For Respondents : Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor



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ORDER

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[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Habeas Corpus Petition' ('HCP' for the sake of brevity) has been filed in this Court on 13.12.2023.

2. Factual matrix in a nutshell is that HCP petitioner's wife one B.Kiruba, aged about 22 years (date of birth 08.01.2001) is the nucleus of the HCP and she shall be referred to as 'absentee' for the sake of convenience and clarity; that HCP petitioner married the absentee on 03.05.2023 and the marriage was registered in Sub-Registrar's Office, Dindigul; that according to HCP petitioner, he thereafter went away to Bangalore for his avocation; that according to HCP petitioner this 03.05.2023 marriage was without the knowledge of absentee's parents; that post marriage when HCP petitioner left for Bangalore, absentee was with her parents; that HCP petitioner came to know that parents of absentee are taking steps for arranging her marriage with some one else; that engagement was fixed on 19.11.2023 but was called off, is HCP petitioner's say; that HCP petitioner lodged a complaint dated 17.11.2023 in All Women Police



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Station (AWPS), Sanarpatti, Dindigul District; that alleging that absentee is in unlawful custody and illegal detention of her parents, captioned HCP has been filed.

3. In the Admission Board today, Mr.Shaazim Shagar, learned counsel on record for HCP petitioner, who was before us, reiterated the aforesaid facts.

4. This Court pointed out that there is a specific averment in paragraph 5 of the support affidavit by HCP petitioner that absentee is under illegal custody of her parents but parents of absentee have not been arrayed as co-respondents. Learned counsel for HCP petitioner very fairly submitted that this is an error and regretted for the error. In the normal circumstances, we may have dislodged the HCP but today we are informed that absentee and her parents are present in Court. Therefore, we issue notice.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepts notice for both respondents. Learned Additional Public Prosecutor



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is instructed by Ms.K.Gomathi, Sub-Inspector of Police, Chinnalapatti Police Station. Learned Additional Public Prosecutor submits, on instructions, that the absentee along with her parents viz., Thiru S.Babu and Ms.Vanitha are present in Court. Learned counsel for petitioner submitted that petitioner is also present in Court.

6. This Court had an interaction with absentee followed by an interaction with the absentee and the petitioner together. The following points emerged from the absentee:

i) the marriage between HCP petitioner and absentee on 03.05.2023 (registered in Sub-Registrar's Office, Dindigul) is not disputed;

ii) absentee does not want to continue the marital tie and absentee wants to apply for divorce;

iii) absentee says that she is staying with her parents on her own volition voluntarily;



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iv) absentee confirms that she has not been illegally detained or she has not been in unlawful custody of her parents; and

iv) absentee made this clear to the HCP petitioner directly in our presence.

7. The narrative thus far makes it clear that the absentee is clearly a major, her 03.05.2023 marriage with the HCP petitioner has turned sour and she wants to apply for divorce. To be noted, HCP petitioner is also a major, his date of birth is 16.05.2001. This means that the parties will have to work out their remedies in the family Court and or any other appropriate Court/s/Forum/Fora/Authority/Authorities. Though obvious we make it clear that if the family Court and or any other Court/s/Forum/Fora/Authority/Authorities are approached by the HCP petitioner, absentee and or any one concerned with the matter, such Court/s/Forum/Fora/Authority/Authorities shall deal with the matter on its own merits and in accordance with law dehors the closure of the captioned HCP.



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8. Captioned HCP is disposed of as closed albeit recording what unfurled in the hearing today. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

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Neutral Citation : Yes/No
Index : Yes/No
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To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madura.



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