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HCP.No.1104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1104 of 2024

Hari Prasath

... Petitioner

Vs.

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

2. The Inspector of Police,
Valavanur Police Station,
Villupuram District.

3. M.Jaheer Hussain

4. Mohammed Imrankhan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body of his wife Balkees Begam, female, aged 21 years from the illegal custody of the 3rd and 4th respondents before this Court and set her at liberty.

For Petitioner : Mr.R.Radha Pandian

For Respondents : Mr.A.Gokulakrishnan,



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Additional Public Prosecutor

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ORDER

[Order of the Court was made by **M.S.RAMESH, J.,**]

Petitioner claims that he had married the detenue viz., Balkis Begam, on 03.04.2024 as per Hindu Rites and Customs. After the marriage, it is alleged that the Constables attached to the 2nd respondent police station had come to the petitioner's house and had taken his wife/detenue forcibly at the instance of the 3rd and 4th respondents herein. Claiming that he was unable to trace his wife, he had made a complaint before the 2nd respondent herein on 15.04.2024. Since his wife could not be traced within a reasonable time by the 2nd respondent police, he has filed the present Habeas Corpus Petition.

2. We had directed the 2nd respondent police to secure the petitioner's wife and produce her before us. Accordingly, she was also produced before us today and we interacted with her along with the petitioner in our Chambers. The petitioner's wife/detenue admits that she is 21 years of age and that she had married the petitioner in a temple near the petitioner's house on 03.04.2024 as per Hindu Rites and Customs.



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However, she also claims that she had called her parents voluntarily and had gone along with them and that there was no coercion on the part of her parents. She also expressed that she intends to presently live under the care and protection of her parents only.

3. When the petitioner's wife/detenué who is a major has taken a conscious decision to choose the place of her residence, this Court in exercise of its powers under Article 226 of the Constitution of India, will not give any direction to the detenué to reconcile with her husband/petitioner. However, if the petitioner is still aggrieved, it is always open to him to approach the concerned Court of Law, for redressal of his grievance.

4. In view of the above observations, no further orders are required to be passed on the prayer sought by the petitioner in the Habeas Corpus Petition. Accordingly, the present Habeas Corpus Petition stands closed.

[M.S.R., J] [S.M., J]
19.06.2024

Internet: Yes



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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

ars

To

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

2. The Inspector of Police,
Valavanur Police Station,
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

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