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HCP.No.2158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2158 of 2024

Thamaraiselvan

... Petitioner

Vs.

1. The Superintendent of Police,
Kallakurichi District.
2. The Inspector of Police,
Kachirapalayam Police Station,
Kallakurichi District.
3. Annadurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the 2nd respondent to produce the person or body of the detainee namely Abirami wife of Thamaraiselvan, aged about 19 years before this Court from the illegal custody of the 3rd respondent and set her at liberty.

For Petitioner : Mr.P.Pandiyaraj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

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

The writ of habeas corpus petition has been filed to direct the 2nd respondent to produce the person or body of the detenue *vis.*, Abirami wife of Thamaraiselvan, aged about 19 years before this Court from the illegal custody of the 3rd respondent.

2. The petitioner states that the marriage between himself and Mrs.Abirami, the daughter of the 3rd respondent was solemnised. However, the 3rd respondent has forcibly taken away his wife Mrs.Abirami, which resulted in institution of the present habeas corpus petition.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor produced the detenue *viz.*, Mrs.Abirami, daughter of the 3rd respondent before this Court.



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4. We have examined the detenue viz., Mrs.Abirami. She is pursuing B.B.A. final year course at Thalaivasal at Salem District. She has clearly stated that she wants to continue to reside with her parents and pursue her education and she is not willing to join with the petitioner.

5. When the detenue is aged about 20 years and pursuing her under graduation course and willing to reside along with her parents, the present habeas corpus petition deserves no merit consideration.

6. Since the detenue is not under illegal detention, she is at liberty to reside with her parents and pursue her education. Consequently, the Habeas Corpus Petition stands **dismissed**.

[S.M.S., J.] [V.S.G., J.]
03.09.2024

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

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1. The Superintendent of Police,
Kallakurichi District.
2. The Inspector of Police,
Kachirapalayam Police Station,
Kallakurichi District.
3. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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S.M.SUBRAMANIAM, J.
AND
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