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HCP.No.2643 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2643 of 2024

B.Sambath Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
Mettupalayam, Puducherry.

2.The Station House Officer,
Reddiarpalayam Police Station,
Puducherry.

3.K.Velmurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents Nos.1 & 2 to produce the petitioner's wife Mrs.Snega (aged 20 years) before this Court from the illegal custody of 3rd respondent within the period stipulated by this Court and set her at liberty.

For Petitioner	: Mr.R.Ragavendran
For Respondents	: Mr.K.S.Mohandoss
1 & 2	Public Prosecutor, Puducherry
For Respondent No.3	: Party in person

ORDER



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

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The present Habeas Corpus Petition has been instituted to direct the respondents 1 & 2 to produce the detainee, namely, Mrs.Snega, aged about 20 years.

2.The respondents 1 & 2 secured the presence of the detainee along with her parents. We have examined the detainee, who is aged about twenty years. The detainee is pursuing Master Degree course in French language. The petitioner was a Teacher taking classes to the detainee few years back. The petitioner states that he loved the detainee and thereafter got married with her. Their marriage was registered before the Registrar of Marriages at Puducherry in the year 2024.

3.The detainee voluntarily made a statement that she is willing to go along with her parents and expressed her willingness to pursue her higher education. She is not willing to resume the marriage since the marriage was registered forcibly. It is further contended that she was not willing to marry the petitioner and at his instance, the marriage was registered forcibly and she is not willing to live with him.

4.The petitioner is also present before this Court and on examination, the petitioner has realized his mistake and made a submission that he will not insist the



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detenue for returning to the matrimonial home. During examination of the detenue, she told us that without understanding the consequences and under forcible circumstances, the marriage between the petitioner and the detenue was registered and she signed.

5.Since the petitioner is not interested to pursue the issue and settle the same peacefully, we have allowed the detenue to go along with her parents. The parties have consented for cancellation of the marriage registration made on the file of the Registrar of Marriages at Puducherry. In view of the consent expressed by the petitioner and the detenue for annulling the marriage, we are inclined to set aside the registration of marriage made before the Registrar of Marriages at Puducherry in *Serial Number of Marriage 2401129137 of year 2024* and the parties are at liberty to submit this order before the Registrar of Marriages at Puducherry for effecting necessary entries cancelling the marriage in the marriage register.

6.Accordingly, the marriage registration certificate issued in *Serial Number of Marriage 2401129137 of year 2024* is set aside and the detenue is set at liberty forthwith enabling her to join her parents. The petitioner made a submission that



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he will not interfere with the affairs of the detinue or their family members. The marriage certificate has been cancelled by this Court with the consent of the parties and by exercise of the extraordinary powers considering the special circumstances under which the marriage was registered between the petitioner and the detinue.

7.The Registry is directed to communicate the copy of this order to the Registrar of Marriages at Puducherry for making necessary entries in the marriage register for cancelling the marriage between the petitioner and the detinue.

8.Accordingly, the Habeas Corpus Petition stands disposed of.

[S.M.S., J.]

[V.S.G., J.]

28.10.2024

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

To

- 1.The Superintendent of Police,
Mettupalayam, Puducherry.
- 2.The Station House Officer,
Reddiarpalayam Police Station,
Puducherry.



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3. The Public Prosecutor,
Puducherry.

4. The Registrar of Marriages,
Puducherry.

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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