



HCP.No.2789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2789 of 2024

R. Dhavamani

... Petitioner

Vs

1. The Superintendent of Police,
Salem City.

2. Inspector of Police,
Hasthampatty Police Station,
Salem City.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's daughter, namely, one Ms.R.Gayathri, female, aged about 21 years before this Hon'ble Court and set her at liberty.

For Petitioner

: Mr. U. Gowri Shankar

For Respondents

: Mr.R.Muniyapparaj
Additional Public Prosecutor



HCP.No.2789 of 2024

ORDER

WEB COPY

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

The Writ of Habeas Corpus has been instituted to direct the respondents to produce the petitioner's daughter, Ms.R.Gayathri, female, aged 21 years.

2. The 2nd respondent produced the petitioner's daughter/detenu and the petitioner is also present before this Court.

3. We have examined the petitioner, who in turn informed us that her daughter/detenu made an attempt to marry one Mr.Ajay, aged about 27 years, who is the brother of the detenu. The mother of Mr.Ajay and the petitioner are sisters and therefore, they are falling within the prohibited relationship.

4. The detenu along with the said Mr.Ajay are present before this Court. They informed us that they got married in a temple.

5. The learned counsel for the petitioner would submit that it is a prohibited relationship and the detenu cannot marry Mr.Ajay under Section 5 of the Hindu Marriage Act. The marriage is invalid since it is falling under the decree of Prohibited relationship as defined under Section 3(g) of Hindu Marriage Act.

6. However, we cannot adjudicate the validity of the alleged marriage or



HCP.No.2789 of 2024

otherwise in the present Habeas Corpus Petition since the detenu is aged about 21 years old and she is not under illegal detention. Under Section 11 of Hindu Marriage Act, the marriage between the persons having decree of prohibited relationship is void.

7. Since the scope of Habeas Corpus Petition is limited, we cannot examine the validity of marriage or otherwise in the present petition and it is for the parties to work out their remedy in the manner known to law.

8. With the above observations, this Habeas Corpus Petition is disposed of.

[S.M.S., J.] [M.J.R., J.]
15.11.2024

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

To

1. The Superintendent of Police,
Salem City.
2. Inspector of Police,
Hasthampatty Police Station,
Salem City.
3. The Public Prosecutor,



High Court, Madras.

WEB COPY



HCP.No.2789 of 2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

H.C.P.No.2789 of 2024

15.11.2024