



WEB COPY



HCP.No.3118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM :

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

H.C.P.No.3118 of 2024

Prakash

... Petitioner

Vs

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Kallakurichi District.

2. The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the person of the petitioner wife Ishwarya , wife of Prakash, aged about 24 years before this Court and set him at liberty.

For Petitioner : Mr. Krishnasamy Chinnasamy

For Respondents : Mr. R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

The Writ of Habeas Corpus has been instituted to direct the 2nd respondent to produce the petitioner's wife Smt. Ishwarya, W/o.Prakash, aged about 24 years.

2. The petitioner states that marriage between himself and the detenu Ishwarya was solemnised in the presence of the elders of his family on 23.09.2024 at Throwpathy Amman Koil, located at Sembiyamma Devi, Ulundurpet Taluk, Kallakurichi District.

3. The family members of the petitioner accepted the marriage between the detenu and the petitioner. However, the detenu's family has not accepted their marriage. Therefore, they have forcibly taken the detenu from the matrimonial home. Thus, the petitioner filed the present Habeas Corpus Petition.

4. The respondent Police produced the detenu, petitioner and detenu's mother. We have examined the parties.



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5. The detenu has completed M.Com degree. The petitioner has completed M.A in English literature. Both are capable of taking decision about their life. Both the detenu and the petitioner are willing to live as husband and wife by resuming the matrimonial home. The petitioner has further stated that he will take care of the detenu and provide all necessary livelihood facilities. The petitioner is an earning member.

6. Considering the fact that both the petitioner and the detenu are willing to resume the matrimonial home since they got married each other, we do not find any illegal detention. In the event of any interference from the family members of the detenu, the petitioner is at liberty to approach the jurisdictional police for initiation of all appropriate action.

7. Accordingly, the Habeas Corpus Petition is disposed of.

[S.M.S., J.] [M.J.R., J.]
16.12.2024

Index : Yes/No
Speaking Order : Yes/No



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Neutral Citation : Yes/No
mrp



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

mrp

To

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Kallakurichi District.
2. The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District
- 3 The Public Prosecutor,
High Court, Madras.

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