



H.C.P.No.3217 of 2024

For Petitioner :: Mr.S.Arivazhagan
For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 & R2
R3-Not ready in notice

ORDER

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

The writ of habeas corpus has been instituted to direct the respondents 1 & 2 to produce the petitioner's wife Harini, aged about 19 years.

2. The petitioner states that the marriage between himself and the detinue was solemnized at Kaliamman Temple, Athangudi, Koothanallur Taluk, Thiruvarur as per the Hindu rites and customs. Since the family of the detinue opposed for the marriage, the petitioner and the detinue were staying in their uncle's house at Pudhu Street, Athangudi, Koothanallur Taluk, Thiruvarur District. While so, the detinue was forcibly taken away by her parents. Thus the present habeas corpus petition came to be instituted.

3. The second respondent police produced the detinue along with her father. We have examined the detinue. The detinue informed us that she married the petitioner and she is willing to resume the matrimonial life with



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the petitioner. However, the father of the detenue states that she is pursuing her second year B.A. Degree course and she has to complete the course. The reason stated by the father cannot be accepted by this Court, since the detenue expressed her willingness to join with the petitioner and resume the matrimonial life. The detenue is admittedly aged about 19 years and her decision and wishes have to be approved by this Court. In respect of other differences, it is for the families to negotiate and resolve the same in the manner known to law. Since the detenue is not willing to live with her father, we are inclined to hold that she is in illegal detention. Thus the second respondent is directed to allow the detenue Harini to join with the petitioner at his residence enabling the detenue to resume her matrimonial life. The habeas corpus petition stands disposed of.

Index : yes/no

(S.M.S.,J.)

(M.J.R.,J.)

Neutral citation : yes/no

20.12.2024

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To

1. The District Superintendent of Police
Office of the Superintendent of Police
Thiruvavur District

2. The Inspector of Police

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Koothanallur Police Station
Thiruvarur District

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3. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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