



H.C.P.(MD) No.410 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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K.Vasumuthu

... Petitioner

-VS-

1.The Superintendent of Police,
Tirunelveli District
Tirunelveli

2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body of person of the petitioner's wife namely Supriya, D/o. Mariyappan , W/o. Vasumuthu (Detenue) aged about 19 years before this Court and set her at liberty

For Petitioner : Mr.K.Dinesh
for Mr.M. Raghuman Khan



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For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor
Ms. T. Susithra
Counsel for Detenue

ORDER

**A.D.JAGADISH CHANDIRA, J.
and
K.RAJASEKAR**

This Habeas Corpus Petition has been filed to produce the body of person of the petitioner's wife namely XXX, D/o. Mariyappan ,W/o. Vasumuthu (Detenue) aged about 19 years before this Court

2. It is the claim of the petitioner that he is studying Bachelor of Arts in Ultra Arts College at Madurai and doing mineral water can business and that he and the alleged detenue (XXX) are very close friends from their school days and that the said (XXX) is aged about 19 years. It is the further claim of the petitioner that after completion of her school education they loved each other and that the alleged detenue is studying B.Sc., in a college. The parents of the detenue had arranged marriage against her wish and thereby she had come out of her house on 21.03.2014 and thereafter on the same day a marriage was solemnized between them at Mavadi Murugan Temple.



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3. It is the further claim that based on the complaint given by the father of the detenue enquiry was conducted by the second respondent in CSR No.96 of 2024 and during such time life threat was made against him. Later using the influence in the police department the victim had been sent to One Step Centre at Tirunelveli against her wishes. Alleging that the victim had been kept in the One Step Centre Home against her wish, the present Habeus Corpus Petition has been filed.

4. Pursuant to the intimation given by the learned Additional Public Prosecutor the second respondent has produced the alleged detenue before this Court.

5. The learned Additional Public Prosecutor would submit that the petitioner and the alleged detenue are college students studying in different college. The petitioner is only 20 years and the alleged detenue is 19 years old and finding that the legal marriage could not have been solemnized had advised the girl to go to her parents house considering her safety. However since she was reluctant to go with her parents she was asked to stay at One Step Centre Home at Tirunelveli Government



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WEB COURT Hospital, considering her safety and that she has now been produced before this Court.

6. Coming to know about the production of alleged detainee before this Court the parents of the alleged detainee namely Mariappan and Sudaliammal appeared before this Court and they were assisted by an advocate Ms. T.Susithra(8165/2022).

7. This Court enquired the alleged detainee and she submitted that apprehending that she may be forced to marry some one against her wish she had gone to the friend's house and that now she is staying in the One Step Centre Home and that is the reason for not going with her parents.

8. The petitioner is aged about 20 years. The alleged detainee is aged about 19 years. Both are undergoing college studies. The mother of the petitioner and the parents of the alleged detainee were also present before this Court. Taking into consideration the future and interest of parties this Court referred the parties for counselling.



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9. After counselling all the parties were present before this Court . When this Court enquired she stated that she want to complete her studies. The alleged detainee expressed her apprehension that her parents may compel her to marry someone against her choice . The parents of the alleged detainee replied that their interest is only to see to that their daughter completes her course and that they are not interested in performing marriage against her wish and that they also have no objection in her daughter marrying the petitioner after completing her studies.

10.The father of the alleged detainee on behalf of himself and his wife filed an undertaking affidavit. The relevant para is extracted here under:

"3. I further submit that when the HCP came up for hearing before this Hon'ble Court today, i.e.,02.04.2024 we had appeared before this Hon'ble Court in person, we had counselling, Hence, we parents of the detainee namelyXXX hereby undertake before this Hon'ble Court that.

- i) I will not perform any forcible marriage to my daughter/detainee, against her wish, till she completes her under graduation*
- ii) Further I will not disturb the petitioner and his mother from seeing the detainee/my daughter at any place other than our villge, if the same is with her consent*
- iii) Further if my daughter wishes to continue her studies by joining the hostel, I will not interfere with her decision*
- iv) After completion of her studies if she wishes to marry the*



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petitioner ie., after attaining legal age of marriage for the petitioner , I will not stand as against her wish

4. I further submit that whatever stated above are true of my knowledge, the same was not obtained through any coercion. I am ready to abide by this undertaking which is given voluntarily.

11. Based on the undertaking the alleged detainee expressed her willingness to go along with her parents.

12. The learned Additional Public Prosecutor submitted that the second respondent undertakes to ensure that the interest of the alleged detainee is protected. The petitioner and his mother also agreed to co-operate for the completion of the studies of the alleged detainee.

13. Recording the same, this Habeas Corpus Petition is disposed of. The affidavit of undertaking filed by the father of the detainee shall become the part of Court records.

[A.D.J.C., J.] [K.R.S., J.]

02.04.2024

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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