



H.C.P.(MD) No.437 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM:

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

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K.Vijay

... Petitioner

-VS-

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Dindigul West Town Police Station,
Dindigul District.

3.The Inspector of Police,
Checkanoorani Police Station,
Madurai District.

4.Sivamani

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to secure and produce the person or body of the detenu, i.e., the wife of the petitioner namely Thoorika, aged about 22 years before this Court and set her liberty.

For Petitioner : Mr.V.S.Kishok Kumar

For R1 to R3 : Mr.RMS.Sethuraman
Additional Public Prosecutor

For Detenu : Mr.G.Prabhu Rajadurai

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the husband of the detenu seeking to produce the alleged detenu namely Thoorika before this Court.

2. The case of the petitioner is that he married the alleged detenu, who is the daughter of the fourth respondent, on 14.03.2024 at Kamakshi Amman Kovil, Thanakkankulam, Madurai. The fourth respondent opposed the love and marriage citing the financial status and financial background. After the marriage, there was a severe threat to the life and limb of the alleged detenu and the



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petitioner at the hands of the fourth respondent and thereby, the petitioner had given a representation to the AWPS, Thirumangalam. Based on the petition, an enquiry has been conducted in CSR No.139/2024. During the enquiry, the fourth respondent had given a statement that she was unhappy with the marriage and that she had given an undertaking that she will not create or involve in any problem against the petitioner. Thereafter, the petitioner and the detenu were staying at his relatives house at Dindigul and on 17.03.2024 when the petitioner had gone out and returned home, the detenu was found missing. On enquiry it was found that the fourth respondent had forcibly taken the detenu against her wishes. Since no action was taken by the respondents 1 to 3 despite the complaint given, the petitioner has approached this Court.

3. When the matter is taken up for hearing today, the alleged detenu appeared before this Court along with fourth respondent.

4. The learned counsel appearing for the fourth respondent would submit that the third respondent had informed about the filing of the habeas corpus petition and thereby, the fourth respondent along with his daughter had



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5. This Court enquired the detenu Thoorika. She submitted that the petitioner is known to her and he is her friend and that he attempted to force her into an illegal marriage and later she came to know that the petitioner was not a man of good character and hence she had him left on her own volition and that she has also married one Vijay, S/o.Sankar, who is the son of her paternal aunt. She further submitted that she is not illegally detained by anybody and on her own volition she has married her cousin Vijay.

6. In view of the above, we find that it is not a case of illegal detention. Accordingly, this habeas corpus petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
10.04.2024

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



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AND
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