



H.C.P.(MD).No.85 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

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Karthick

... Petitioner/
Husband of the Detenu

Vs.

State rep. by

1.The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.

2.Rasathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the first respondent to produce the person or body of the detenu, by name, Gowsalya, W/o.Karthik, aged about 25 years, before this Court and set her at liberty.

For Petitioner : Mr.A.Rajini

For R1 : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The petitioner herein claiming to be the husband of one Gowsalya has filed this petition alleging that he loved Gowsalya and was about to marry her and on the promise that she will marry her, he spent money. Suddenly, her parents are now planing to get her married to somebody else and therefore, keeping her in illegal custody.

2. The respondent police after taking notice in this petition has secured the girl and she is present today. According to the girl, she had some affair with the petitioner herein. Thereafter, due to his bad conduct, she wants to sever the relationship, but the petitioner has started threatening her. Therefore, she was not accessible to him.

3. The learned counsel appearing for the petitioner relying upon certain photocopy of the horoscope and photographs taken along with the girl, tried to claim that he has right to sustain Habeas Corpus Petition.



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4. This Court finds that it is a clear case of blackmailing a girl who at one point of time had some friendship with the petitioner. His claim that he is a lawful guardian of the girl-Gowsalya, aged about 25 year,s *per se* is a false averment. The girl, who is present today, clearly discloses that she is in the custody of her mother fearing threat in the hands of the petitioner who is intimidating her.

5. This Court finds that filing of Habeas Corpus Petition under Article 226 of the Constitution of India is abuse of process of law. Hence, this Habeas Corpus Petition is dismissed with costs of Rs.1,00,000/- (Rupees One Lakh only) payable to the High Court Legal Service Authority attached to this Bench within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the costs, the District Collector, Madurai District, shall take appropriate action for the recovery.

(G.J.,J.) (C.K.,J.)
04.03.2024

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



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