

J. Shiny Vs The Superintendent of Police, Kanyakumari District, Nagercoil and Others

Court: Madras High Court (Madurai Bench)

Date of Decision: Dec. 19, 2011

Hon'ble Judges: S. Nagamuthu, J; M. Jaichandren, J

Bench: Division Bench

Advocate: S.C. Herold Singh, for the Appellant; A. Ramar, Additional Public Prosecutor for R1 and R2 and Mr. K. Vamanan for R3, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S. Nagamuthu, J.

The petitioner claims to be the wife of one Suthan, S/o. Ashok Kumar, aged 24 years (hereinafter referred to as

detenu). He is a B.E. Graduate and he was working in a private concern in Chennai. The petitioner herself is a B.E. Graduate. According to

her, they had fallen in love with each other and at last, they got married on 05.06.2010 at Vadapalani Murugan Temple, Chennai. Thereafter,

according to her, they were living together as husband and wife in Door No. 2/4, Dhanalakshmi Nagar, Alapakkam Kambar Street, Porur,

Chennai. But he has been found missing from 25.09.2011 onwards. According to her, the respondents 3 to 5 who are the relatives of her husband

have demanded dowry and since the same was not given, they have detained him from 25.09.2011 onwards. With these allegations, she made a

complaint to the second respondent-Police. Since no action has been taken on the complaint, she has come forward with the present Habeas

Corpus Petition.

2. In order to substantiate her contention that there was a marriage, the petitioner has produced certain photographs.

3. The third respondent Ashok Kumar is the father of the detenu. He is represented by a counsel. According to the learned counsel for the third

respondent, the third respondent is not aware of the marriage at all. The detenu, who was all along working in Chennai, has been found missing,

and the third respondent himself is in search of the detenu. While so, now only he has come to know that the petitioner claims herself to be the wife

and she is also in search of the detenu.

4. The Inspector of Police, Asarapallam Police Station, has filed an affidavit. According to the same, efforts are being taken to find out the detenu.

5. In our considered opinion, there is no illegal detention of the detenu at the hands of the third respondent and hence, no further orders are

necessary in this Habeas Corpus Petition at this stage. Hence, the Habeas Corpus Petition is closed with a direction to the second respondent to

proceed with the enquiry and find out the detenu and to set him at liberty. Consequently, M.P. (MD) No. 1 of 2011 is also closed.