

(2011) 12 MAD CK 0107

Madras High Court (Madurai Bench)

Case No: H.C.P. (MD) No. 1074 of 2011

M. Nivetha

APPELLANT

Vs

The Superintendent of Police,  
Theni District, Theni and Others

RESPONDENT

**Date of Decision:** Dec. 1, 2011

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

**Bench:** Division Bench

**Advocate:** G. Marimuthu, for the Appellant; A. Ramar, Additional Public Prosecutor for R1 to R3 and Mr. S. Mahendrapathy for detenu, for the Respondent

**Final Decision:** Dismissed

### Judgement

@JUDGMENTTAG-ORDER

S. Nagamuthu, J.

The petitioner claims to be the wife of one S. Saravana Kumar, S/o. Mr. Shankar, aged about 28 years. The petitioner's elder sister has been given in marriage to the elder brother of Mr. S. Saravana Kumar (the detenu herein). The petitioner is doing B.Sc. (Bio-Technology) course in Arulmigu Kalasalingam College of Arts and Science, Krishnan Koil, Virudhunagar District. The detenu is a Software Engineer, working in a private company in Bangalore.

2. According to the petitioner, the detenu had fallen in love with the petitioner and proposed to marry her. But, she requested him to go and persuade his parents and also the parents of the petitioner to arrange for the marriage. Accordingly, the detenu contacted the parents of the petitioner in this regard as well as his parents. Since the detenu's parents did not readily come forward to arrange for marriage between them, the detenu proposed to marry her against the wishes of his parents. Accordingly, on 19.11.2011, at Thiruparankundram Temple, Madurai District, the marriage was celebrated between them in the presence of their friends. Then, both of them together went to the house of her parents. On the next day, i.e. on

20.11.2011, he went to his native place to meet his parents. On that date, after sometime when she contacted her husband, he informed her that his parents and relatives were not ready to accept the said marriage. Thereafter, on 21.11.2011, according to her, she went to Bodinayakanur and took all steps to meet him, but the respondents 4 and 5, namely, Sankar and Rajakani, prevented her from meeting the detenu. Then, she preferred a complaint to the police also. All her efforts thereafter to meet the detenu went in vain. In the circumstances, she has come up with the present Habeas Corpus Petition seeking a direction to the respondents 1 to 3 to produce the detenu before this Court and to set him at liberty.

3. When this matter was listed before this Court on 29.11.2011, the detenu was produced before this Court. The detenu informed this Court that there was no such marriage between him and the petitioner. He further stated that he was not detained by anybody. He was also represented by a counsel. On enquiry, the petitioner submitted that the marriage between her and the detenu was celebrated on 19.11.2011 and if the matter is referred to mediation, the detenu shall be persuaded to join with her. The Learned Counsel on either side also submitted that the matter may be referred to the Mediation and Conciliation Centre. Accordingly, the matter was referred to the Mediation and Conciliation Centre attached to this Bench, with a direction to appear before the Mediation and Conciliation Centre at 2.30 p.m. on the same day.

4. Today, when the matter was taken up, the detenu is present along with his parents. The petitioner is also present. They are represented by their respective counsel. The report of the Mediation and Conciliation Centre dated 30.11.2011 has been received, in which it has been stated that the mediation had failed. Today also, the detenu maintained that no marriage took place between him and the petitioner, but the petitioner would submit that the marriage celebrated between them is true and she is hopeful that the detenu will join with her, very shortly.

5. Since the detenu states that he is not detained and he is also not willing to go with the petitioner, this Court cannot issue any further order in this matter directing him to go with the petitioner. In view of the same, this Habeas Corpus Petition is dismissed. The detenu is set at liberty. However, it is open for the petitioner to work out her remedy in the manner known to law.