

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.04.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE B.RAJENDRAN

H.C.P. Nos.1000 & 1052 of 2015

G.Selvakumar ... Petitioner in HCP. No.
1000 of 2015

-v-

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.State rep. by
The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.

3.Robert
4.Selvam
5.David

... Respondents in HCP. No.
1000 of 2015

M.Selvam ... Petitioner in HCP. No.
1052 of 2015

-v-

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

3.Selvakumar Respondents in HCP.1052 of 2015

Prayer in HCP. No.1000 of 2015: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to produce the detainee S.Sowndarya, D/o.G.Selvakumar from the illegal custody of respondents 3 to 5 before this Court and to restore the illegal custody of the detainee.

Prayer in HCP. No.1052 of 2015: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to produce the body or person of the detenu S.Robert, S/o.Selvam, aged about 20 years before this Court and to set him at liberty.

For Petitioner in
HCP. No.1000 of 2015

: M/s.K.M.Vijayan Associates

For Petitioner in
HCP. No.1052 of 2015

: Mr.A.S.Baalaji

For Respondents 1 and 2
in HCP. Nos.1000 & 1052 of 2015

: Mr.A.N.Thambidurai
Addl. Public Prosecutor

C O M M O N O R D E R

(Order of the Court was made by S.TAMILVANAN,J.)

HCP. No.1000 of 2015 has been filed by the petitioner/father of the detenu S.Sowndarya, D/o.G.Selvakumar, who is in the illegal custody of respondents 3 to 5, to cause production of his daughter before this Court and to set her at liberty.

HCP. No.1052 of 2015 has been filed by the petitioner/father of the detenu S.Robert, S/o.Selvam, aged about 20 years, to cause production of his son before this Court and to set him at liberty.

2.The detenues S.Sowndarya, D/o.G.Selvakumar and S.Robert, S/o.Selvam are secured and produced before this Court by the respondent police.

3.On enquiry, the detenu Sowndarya told us that she is a major and that she married the detenu S.Robert and that they are living together as husband and wife and that there is no illegal detention by anybody.

4.It is submitted by the learned counsel for the petitioners that there could be no valid marriage between the detenues, as the detenu S.Robert has not attained the age of 21 years.

5.It is an undisputed fact that the detenu S.Robert is aged about 20 years and therefore the alleged marriage could not be construed as a valid marriage. At this stage, the detenu Sowndarya, being a major is at liberty to decide her life.

6.Recording the statement made by the alleged detenu, Sowndarya, a major, to the effect that there is no illegal detention, we are of the view that the petitions could be closed as nothing further remains to be considered in the petitions.

7. Accordingly, these petitions are closed.

vga

-s/d-
Assistant Registrar (CS-II)

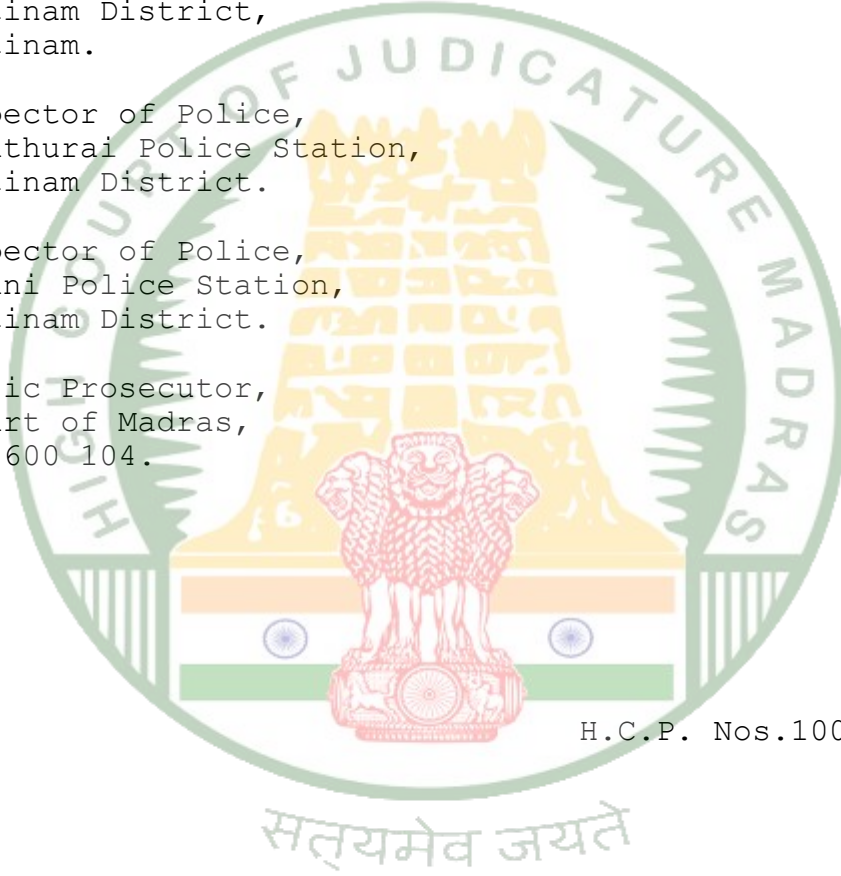
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Sub-Assistant Registrar

To

1. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
2. The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.
3. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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H.C.P. Nos.1000 & 1052 of 2015

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