

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.2876/2015

Selvaraj

..

Petitioner

Versus

1.The Superintendent of Police
Villupuram District.

2.The Inspector of Police
Mylam Police Station
Mylam, Villupuram District...

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to produce the detainee Banupriya D/o.Selvaraj, aged about 20 years, before this Court and set her at liberty.

For Petitioner : Mr.G.Mohanakrishnan
For R1 & R2 : Mr.A.N.Thambidurai, APP
For detainee : Mr.P.Nagaraju

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner, father of the detainee, to cause production of his daughter, Banupriya, aged about 20 years, before this Court and to set her at liberty.

2 It is the case of the petitioner that his daughter Banupriya @ S.Priya, aged about 20 years went missing on 22.09.2015, in connection with which, a case in Cr.No.492/2015 has been registered by the Mylam Police Station and the investigation is pending. Since the respondent police has not taken steps to secure his daughter, the detainee herein, the petitioner has approached this Court for issuance of a writ of Habeas Corpus.

3 Today, the detainee Banupriya was produced before this Court by her learned Counsel Mr.P.Nagaraju. Mr.M.Kaliyamoorthy, the Special Sub Inspector of Police and Ms.S.Sundari, Police Constable attached to Mylam Police Station are also present.

The parents of the detenie, viz., the petitioner herein and his wife are also present before us.

4 On enquiry, the detenie informed us that her date of Birth is 21.04.1995 and that she is a major. It is her further submission that she was in love with one Karthik, who is present before us today and since her parents did not approve of their love, she left her parental home and got married to the said Karthik and the said marriage has been registered in the office of the Sub Registrar, Trichy, Joint-I, as Serial No.1557/2015 on 25.09.2015.

5 It is seen that the said marriage between the detenie Banupriya and Karthik is an inter-caste marriage and therefore, the couples fearing reprisal, are on the run. The parents of the detenie, on enquiry, were advised by this Court to restrain themselves and not to disturb the couple. The Hon'ble Supreme Court of India in Latha Singh vs. State of Uttar Pradesh [AIR 2006 SC 2522] has issued directions that the instrumentalities of the State should encourage inter-caste marriages and should afford sufficient protection to such couple.

6 Following the dictum of the Hon'ble Supreme Court, we direct the Superintendent of Police, Cuddalore District, to afford sufficient protection to the couple, viz., Banupriya and Karthik, if need arises. We are also of the view that since the detenie is a major, there is no illegal detention of her by anyone and we find no reason to issue writ of Habeas Corpus.

7 Recording the submission of the detenie, the Habeas Corpus Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police
Villupuram District.

2.The Inspector of Police
Mylam Police Station
Mylam, Villupuram District.

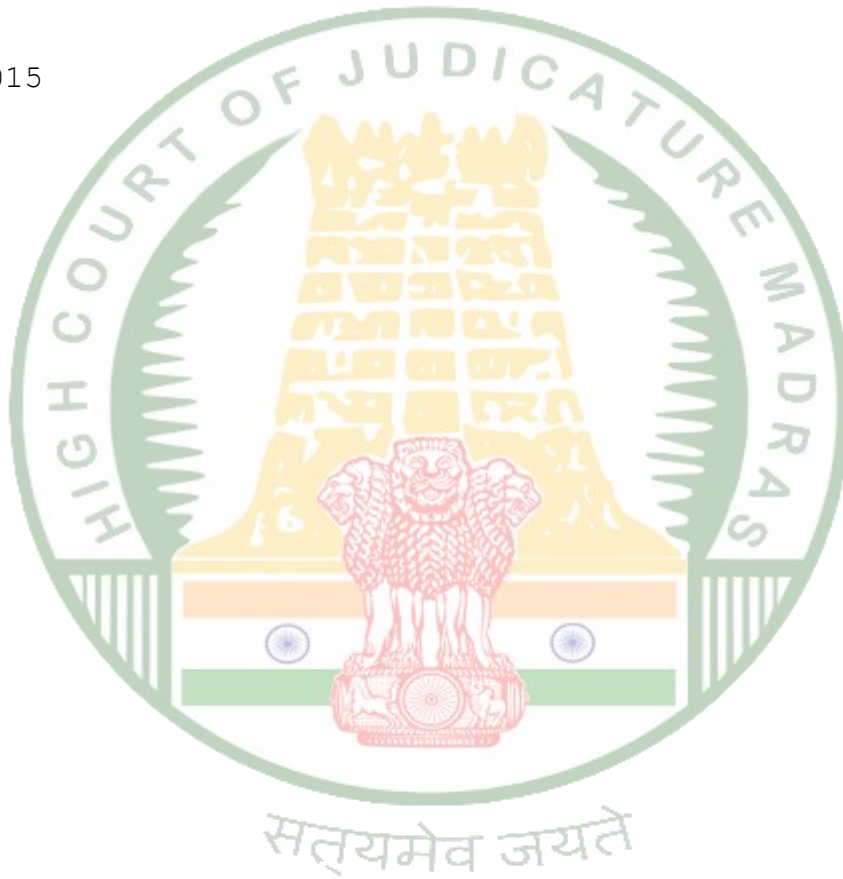
3.The Public Prosecutor,
High Court, Chennai.

copy to:
The Superintendent of Police
Cuddalore District

+1cc to M/S.P.Nagaraju Advocate sr.65121

HCP.No.2876/2015

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