

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

HCP.No.2947 of 2015

E.Anandan

Petitioner

Vs

1.The Inspector of Police,
E-8 Kelambakkam Police Station,
Kelambakkam,
Kancheepuram District-603 103.

2.The District Social Welfare Officer,
No.43, 2nd Street,
Gandhi Nagar, Near IOB,
Kancheepuram-631 502.

3.Abraham Asirvadam

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Habeas Corpus directing the first and second respondents to produce the body of the detenu A.Revathy aged about 18 years, presently in the illegal custody of the third respondent before this Hon'ble Court and set her at liberty.

For Petitioner : Ms.Shaikh Mehrunisa

For Respondents : Mr.A.N.Thambi Durai
1 and 2 Addl. Public Prosecutor

For 3rd Respondent : Mr.D.Gopikrishnan

O R D E R

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

It is the case of the petitioner that his daughter went missing on 04.11.2015, in connection with which, he lodged a complaint to the respondent police, based on which, a case in Crime No.507 of 2015 has been registered. It is alleged by the petitioner that his daughter is in the custody of the third respondent.

2. Today, the detainee was produced before this court by the first respondent police. When we enquired with her, she stated that she is Revathy; she is aged 18 years and is studying I year B.Sc., Allied Health Science in Chettinad College, Kelambakkam and that, her parents arranged for marriage with her uncle, who is about 30 years old, with whom she did not want to get married and therefore, she left her parental home and sought refuge in the third respondent's house, who is a classmate in her school days. She stated this even in the presence of her parents and categorically submitted that she does not want to go with her parents and that she will join in the college hostel and pursue her studies.

3. When questioned, her parents stated that they had performed the betrothal of the detainee with Vajravel, her maternal uncle, with her consent only and that, now only they came to know that she is not willing to marry him. They had also given a written undertaking that they will not force her into the marriage with the said Vajravel and that they would allow her to pursue her studies. We record the same.

4. Since the girl, who is a major, is willing to chalk out her life on her own and that she is not under illegal custody of any one, much less the third respondent, we are of the view that no Writ of Habeas Corpus could be issued. Accordingly, recording the submission of the girl and her parents that the girl would be allowed to pursue her studies by staying in her college hostel, this habeas corpus petition stands disposed of. Ms.Shaikh Mehrunisa, learned counsel appearing for the petitioner and Mr.D.Gopikrishnan, learned

counsel appearing for the third respondent, undertook to use their good office to counsel the parties to ensure that the detainee pursues her studies.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
E-8 Kelambakkam Police Station,
Kelambakkam,
Kancheepuram District-603 103.

2.The District Social Welfare Officer,
No.43, 2nd Street,
Gandhi Nagar, Near IOB,
Kancheepuram-631 502.

3.The Public Prosecutor, High Court,
Madras

+1 cc to Mr.D.Gopi Krishnan Advocate sr65488

HCP.No.2947 of 2015

aa21/12/2015

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