



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

H.C.P (MD) No.1723 of 2015

Arumugam

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

3.Ramachandiran

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents to produce the body and person of the detenu Priya D/o.Arumugam, aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.R.Ramachandran,

1 & 2

Additional Public Prosecutor

For 3rd respondent : Mr.V.A.Samayvasan

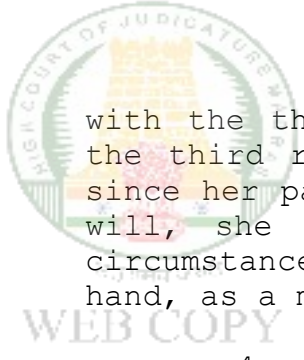
O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR, J]

M.Arumugam, the father of the alleged detenu Priya, aged about 19 years is the petitioner in the present Habeas Corpus Petition. He has approached this Court with the present Habeas Corpus Petition complaining that the third respondent / Ramachandran abducted Priya and he is keeping Priya in illegal custody and praying for the production of Priya before this Court and to set her at liberty.

2.Pursuant to the notice issued to the third respondent and also the steps taken by the second respondent, Priya voluntarily has appeared before us. The third respondent and the petitioner along with his wife are present. Their respective counsel are also present. Mr.R.Ramachandran, learned Additional Public Prosecutor, appearing for the respondents 1 and 2 is also present.

3. In the presence of the petitioner, his wife, the third respondent and the counsel for the respective parties, we enquired Priya. She claims that she is a major having attained the age of 19 years; that she, on her own volition, accompanied the third respondent as she had developed a love affair with him which lasted for about three years; that they went through a form of marriage at a local temple and that she is



with the third respondent without any compulsion whatsoever from either the third respondent or anyone else. It is her further statement that since her parents wanted to get her married to another person against her will, she had to take such a course of action and that under the circumstances, she is not willing to go with her parents and on the other hand, as a major, she should be allowed to go with the third respondent.

4. When we questioned about the form of marriage and the registration of the memorandum of declaration of marriage, the answer is not convincing. However, from the copy of the Transfer Certificate produced along with petition, it is obvious that Priya was born on 10.06.1996 and she is a major. As Priya is a major, her movements cannot be curtailed even by her parents against her will. As such we are constrained to permit Priya to go anywhere as she pleases. By making such an observation which shall have the effect of permitting her to go with the third respondent, we do not express any opinion regarding the factum or validity of the alleged marriage between them.

5. With the above observation, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(records)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Senthil kumar, Advocate SR.No.72728

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Order Made in
H.C.P (MD) No.1723 of 2015
17.12.2015