

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06-10-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S. BASKARAN

H.C.P.No.1840 of 2016
and
Crl.M.P.No.10666 of 2016

V. Periyannan

.. Petitioner

Vs

1.The State represented
by the Superintendent of Police
Erode, Erode District.

2.The State represented by
the Inspector of Police
Amma Pettai Police Station
Erode District.

3.K. Nagaladi Periyasamy

... Respondents

Prayer : This petition is filed to issue a Writ of Habeas Corpus, directing the respondent herein to produce the body and person of the detenue, by name N. Naveena, aged about 19 years, before this Court, and set her liberty.

For Petitioner : M/s.D. Arun

For Respondents Nos.1 & 2 : Mr.V.M.R. Rajendran
Addl. Public Prosecutor

For Respondent No.3 : Mr.A.Gokulakrishnan

ORDER

(Order of the Court was made by M.Jaichandren, J.)

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing on behalf of the respondents.

2. This Habeas Corpus Petition has been filed by the petitioner stating that he had married the detenue, namely, N. Naveena, aged about 19 years, (Date of Birth 30.4.1998), in Murugan Temple, at Thindal, Erode, on 30.5.2016.

3. The said marriage had been registered in the Office of the Sub Registrar, Mettur, on 11.7.2016. However, the third respondent, who is the father of the detenue had abducted her and kept her in his custody, illegally. Hence, the petitioner has preferred the present Habeas Corpus Petition, before this Court, under Article 226 of the Constitution of India.

4. Today, when the matter had been taken up for hearing, the detenue was present before this court. On enquiry, she has stated that she had married the petitioner, on 30.5.2016, and the said marriage had also been

registered in the Office of the Sub Registrar, Mettur, on 11.7.2016. She had also expressed her willingness to go along with the petitioner.

5. Further, she had stated that there are some other girls, like her, who had been detained by one Karthik and his men, who are residing at Moolapadi, in Erode District.

6. In view of the fact that the detinue is a major, as her date of birth is shown as 30.4.1998, in the Secondary School Leaving Certificate issued by the Department of Government Examinations, Chennai, dated 31.5.2013, this Court finds that the detinue can be set at liberty to go along with the petitioner, as per her wish.

7. Further, as the detinue had stated that some more girls had also been detained, by some persons, residing in Erode District, the learned Additional Public Prosecutor is directed to cause an enquiry and to investigate the same and take appropriate steps, in accordance with law.

8. In fine, this Court is of the view that the detinue can be set at liberty to go along with the petitioner. Accordingly, the detinue is set at liberty to go along with the petitioner. However, as the petitioner, as well as the detinue had expressed their apprehension, before this Court, that there is

a threat to their lives from the third respondent and his relatives and friends, the second respondent is directed to provide sufficient police protection to the petitioner, as well as the detenue, on their making a request, in that regard.

With the above directions, the Habeas Corpus Petition stands disposed of. Connected Crl.M.P. is closed.

(M.J.,J.) (S.B.,J.)

Index:Yes/No
Internet:Yes/No
rnb

06.10.2016

To
1.The State represented
by the Superintendent of Police
Erode, Erode District.
2.The State represented by
the Inspector of Police
Amma Pettai Police Station
Erode District.
3.The Public Prosecutor
High Court, Madras.

M.JAICHANDREN,J.
and
S.BASKARAN,J.

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