

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

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

H.C.P.No.2254 of 2016

R.Vijayakumar

... Petitioner

Vs.

1.The Inspector of Police
Mettur Town Police Station
Mettur, Salem.

2.Dhanapal

3.The Superintendent of Police
Salem.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the first respondent to produce the detinue, namely, Poovizhi @ Saranya, before this Court and to set her at liberty.

For Petitioner : M/s.S.Doraisamy

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

[Order of the Court was made by S. BASKARAN, J]

The petitioner claiming himself that he had married the detinue, namely, Poovizhi @ Saranya, on 28.9.2016 at Sangameswarar Temple at Bhavani Koduthurai, has come forward with this petition seeking a direction to the first respondent to produce the detinue, before this Court and to set her at liberty.

2. When the matter came up for hearing, the petitioner as well as the mother of the detinue are present and the detinue has also been produced before this Court.

3. On enquiry, the detinue has stated that she had married the petitioner herein and she has expressed her desire to

go along with him. However, the mother of the detenue has pleaded that no marriage had taken place between the petitioner and the detenue.

4. A perusal of the Transfer Certificate issued by the Periyar University College of Arts and Science (Prucas), Mettur Dam, shows the date of birth of the detenue as 11.6.1990 and therefore, it is clear that the detenue is a major, as on date.

5. On enquiry, the detenue has categorically stated that she wants to go along with the petitioner. The petitioner has also produced the marriage photos to show that the marriage had taken place between them on 28.9.2016.

6. In such circumstances, we are of the view that since the detenue is a major and she had expressed her desire to go along with the petitioner, she is permitted to go along with the petitioner.

In such circumstances, no further orders are necessary in this petition. Hence, the Habeas Corpus petition stands closed. However, as the petitioner and the detenue had expressed their apprehension that there may be some threat from the side of her parents, the respondent police is directed to give sufficient protection, if any request is made for protection by the detenue and the petitioner.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rnb
To

1.The Inspector of Police
Mettur Town Police Station
Mettur, Salem.

2.The Superintendent of Police
Salem.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.65558

H.C.P.No.2254 of 2016

GJ(CO)
CA(22/12/2016)