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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **P.R.SHIVAKUMAR**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P (MD) No.1534 of 2015

R.Mahalingam

.. Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

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

3.Shankar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the person or body of the detenu, the petitioner's minor daughter namely Gandhimathi @ Avuri, daughter of Mahalingam, aged about 17 years before this Court and hand over to the petitioner.

For petitioner

: Mr.A.Thiyagarajan

For respondent Nos.1&2

: Mr.A.Ramar

Additional Public Prosecutor

For Respondent No.3

: Mr.J.Sulthan

ORDER

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

The alleged detenu - Gandhimathi @ Avuri, presently aged 18 years, appeared in Court along with the third respondent - Shankar. The third respondent is also represented by a counsel. In the presence of the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the third respondent and also in the presence of the petitioner and his wife, Gandhimathi @ Avuri is questioned by this Court. On being questioned, she states that after she completed the Higher Secondary School Education, her parents arranged for a marriage against her will even during her minority without her consent and she was not agreeable for the same. It is her further statement that since she felt that she



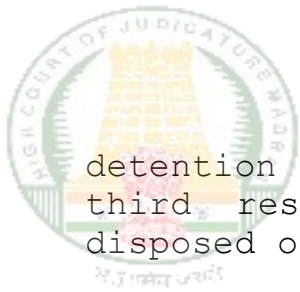
could not prevent her parents from going ahead with the proposed marriage, she left the house of her parents and took shelter in the house of her senior maternal aunt - Rani at Valmanpalayam, Trichy District; that since her senior maternal aunt - Rani also insisted that she should marry the person of the choice of her parents, she left her house on 10.01.2016, met the third respondent and they got married at Karattumalai Murugan Kovil, Thiraiyur, Trichy District, on 11.01.2016 and that the marriage was registered, as per the provisions of the Tamil Nadu Registration of Marriages Act, 2009 in the office of the Registrar of Marriages/Sub-Registrar, Thiraiyur. She has also produced a xerox copy of the marriage certificate and the original for comparison. It is her further statement that she left the house of her senior maternal aunt only after she attained majority and before her marriage took place, she had attained majority. From the copy of the birth certificate produced along with the Habeas Corpus Petition, it is found that she was born on 15.12.1997 and she became major on 15.12.2015.

2. The alleged detenu - Gandhimathi @ Avuri makes it clear that she, on her own volition, left the house of her father and went to the house of her senior maternal aunt in order to prevent her parents from arranging her marriage with a person of their choice, which she did not like and that since her senior maternal aunt also insisted that she should marry the person of the choice of her parents, she had to leave the house of her senior maternal aunt also and that thereafter, she got married to the third respondent.

3. From the said statement of Gandhimathi @ Avuri, it is obvious that she, on her own volition, before she attained majority, went to the house of her senior maternal aunt at Valmanpalayam, Trichy District and immediately, after obtaining majority, she went out from there and on the very next day, she got married to the third respondent.

4. As such, we feel that there is no scope for holding that there was any kidnapping or illegal custody. The alleged detenu - Gandhimathi @ Avuri makes it clear that she wants to go with her husband, namely, the third respondent and at the same time, she wants to revive the relationship with her parents. Accordingly, in the Court, both Gandhimathi @ Avuri and the third respondent prostrated before the petitioner to get his blessings, but the petitioner is reluctant to bless them.

5. Under the said circumstances, we hereby record the statement of Gandhimathi @ Avuri and based on the said statement, <https://www.e-courts.gov.in/e-services>, being a major, has taken a decision of her own in respect of her future and according to such decision, she has married the third respondent; there is no case of illegal



detention and hence, we allow Gandhimathi @ Avuri to go with the third respondent. The Habeas Corpus Petition is accordingly disposed of.

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Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,
Trichy District.
- 2.The Inspector of Police,
Mannachanallur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.Ajmal Associates,Advocate Sr.No.5487

nb

AA/AAL-MPA/09.02.2016/3P-5C/

ORDER MADE IN
H.C.P (MD) No.1534 of 2015
28.01.2016