

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.326 of 2017

C. Ponnusamy ... Petitioner/Uncle of the
detenue

Vs

1. The State rep by
The Superintendent of Police,
Salem District, Salem
2. The Inspector of Police,
Thalaivasal Police Station,
Attur, Salem District
3. Mani ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus or any other appropriate Writ, Order or Direction more specifically in the nature of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the detenue N. Keerthana, D/o Natarajan, aged about 16 years (date of birth 09.07.2001) now illegal custody of third respondent herein before this Court and set her at liberty.

For Petitioner : Mr.R. Sankarasubbu

For R.1 & R.2 : Mr.V.M.R. Rajentren
Addl. Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU, J.,)

The petitioner is the uncle of one N. Keerthana, D/o Natarajan. Her date of birth is 09.07.2001. According to the petitioner, the third respondent has paid Rs.2,00,000/- (Rupees two lakhs only) to the parents of N. Keerthana and in consideration of the same, her parents assured to give her daughter N. Keerthana in marriage to the third respondent.

2. According to the petitioner, these things happened much against the wishes of N. Keerthana. Therefore, he has come up with this Habeas Corpus Petition.

3. Today, the detainee N. Keerthana has been produced by the second respondent. Her parents Mr. Natarajan and Mrs. Rani have also made appearance. They submitted that there was no such intention at all to give the detainee in marriage to the third respondent and the allegation that they have received a sum of Rs.2,00,000/- from the third respondent is not correct. They promised in the name of God that they never arranged to give the detainee in marriage to the third respondent and that until the detainee attains major they would not arrange for any such marriage.

4. The detainee, who appeared before this Court today, would submit that there was no move at all to arrange marriage to any one, more particularly, with the third respondent. She has further stated that she was staying with her father at Salem and she has not been illegally detained.

5. The above statement is recorded. From this, it is clear that the petitioner has come up with some ulterior motive, though he was aware of the fact that the child was in the custody of her father. Therefore, while dismissing this petition, we deem it appropriate to impose cost.

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6. In the result, the habeas corpus petition is dismissed, directing the petitioner to pay a sum of Rs.1,000/- (Rupees one thousand only) as cost to the detinue and her parents. When this order was dictated, the petitioner, who appeared today before this Court, paid Rs.1,000/- (Rupees one thousand only) to the parents of the detinue. The same is recorded.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Superintendent of Police,
Salem District, Salem
2. The Inspector of Police,
Thalaivasal Police Station,
Attur, Salem District
3. The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.R.Sankara Subbu, Advocate Sr.No.15941

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SR(CO)

RRI 18/04/2017

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