

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.6.2017

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
AND
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

HABEAS CORPUS PETITION NO.758 OF 2017

Venkateshappa

... Petitioner

Vs

1. The Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of
Police, Hosur, Hosur Taluk,
Krishnagiri District-635109.
3. The State rep.by Inspector of
Police, SIPCOT Police Station,
Hosur, Krishnagiri District.

... Respondents

PETITION under Article 226 of The Constitution of India seeking to issue a Writ of Habeas Corpus directing the respondent herein to produce the body and person of the detinue by name Nandha Smitha, aged about 22 years before this Court and set her at liberty.

For Petitioner : Mr.L.Muthusamy

For Respondents : Mr.V.M.R.Rajentran, APP

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

This Habeas Corpus Petition is moved by a father for causing production of his 22 year old daughter by name Nanda Smitha, who is alleged to have been illegally confined.

2. Pursuant to the notice taken in this matter, the Police

at Hosur have caused production of the alleged detenue Nandha Smitha. When we interacted with that girl, she informed us that she was studying final year B.Sc. and that she fell in love with another young man, whom she married now on her own volition. It is her submission that the writ petitioner herein - her father and her mother did not approve of the inter-caste marriage indulged in by the alleged detenue and consequently, they are misconstruing her living elsewhere as an act of detention.

3. On the last occasion, while dealing with the case on 02.6.2017, we directed the writ petitioner to deposit a sum of Rs.10,000/- with the Registrar (Judicial), so that in case of necessity, the said money could be utilized for covering some of the expenses that will be incurred, if the alleged detenue were to be produced before this Court by the Police once again. Accordingly, money has been deposited before this Court by the learned counsel for the writ petitioner on 06.6.2017.

4. Once again, the alleged detenue, her husband and her parents appeared before us. The parents wanted the custody of their daughter. Since the alleged detenue is aged 22 years and she is also capable of taking an informed decision, contrary to her wish, we would not have ordered her custody to be restored to the writ petitioner. Though the writ petitioner wanted to return to their home for a while, provided no harm would be caused, we would not have asked the parents to give an undertaking or a bond that they will not cause harm to their own girl. That was a matter, which the parties have to sort out amicably and suitably.

5. In that view of the matter, no further orders are needed to be passed in this Habeas Corpus Petition.

6. The learned counsel for the writ petitioner furnished the following bank details :

"Name of the	:	M.Chanramma and
Account Holder	:	Venkateshappa (Joint Account)
Name of the Bank	:	State Bank of India
Account No.	:	10986332167
IFSC Code	:	SBIN0001810
Bank Code	:	1810"

7. The Registrar (Judicial) shall transfer the amount to the said account of the writ petitioner and his wife, electronically.

8. With this, the writ petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

1. The Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of Police,
Hosur, Hosur Taluk, Krishnagiri
District-635109.
3. The Inspector of Police,
SIPCOT Police Station, Hosur,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

Copy to :

1. The Registrar (Judicial),
High Court, Madras.
2. The Sub-Assistant Registrar (Accounts Section),
High Court, Madras.

PA(CO)
CS/04/07/17

HCP.No.758 of 2017