

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM

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

H.C.P.NO.807 OF 2017

G.Lakshmanan .. Petitioner

versus

1.The State,
Rep. by The Inspector of Police,
H-4 Korukkupet Police Station,
Chennai - 600 021.

2.M.Bhuvanesh .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondent police to produce the body of the detenu namely L.Shanmuga Priya, 19 years, D/o.G.Lakshmanan before this Court and hand over the custody of the detenu to natural guardian, petitioner herein.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent No.1 : Mr.V.M.R.Rajentran
Additional Public Prosecutor

For Respondent No.2 : Mr.V.Parthiban

O R D E R

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

This Habeas Corpus Writ Petition is instituted by the father for causing production of his 19 year old daughter, who is said to have been abducted by the second respondent from the college premises.

2. The Police, by name, Mr.V.Sambath, Inspector of Police [L & O], H-4 Korukkupet Police Station, Chennai, has caused production of L.Shanmuga Priya, the daughter of the writ

petitioner. The second respondent is also present in the Court. He is represented by Mr.V.Parthiban, learned counsel for the second respondent.

3. We heard the learned counsel for the writ petitioner, the learned Additional Public Prosecutor for the first respondent and also the learned counsel for the second respondent.

4. It is the case of the writ petitioner that the second respondent is none other than the sister's son of his wife, whereas L.Shanmuga Priya, the alleged detainee informs us that she married the second respondent out of her own volition. Though we are conscious that the second respondent and the alleged detainee L.Shanmuga Priya fall within the prohibited degree of relationship and consequently the marriage, if any, between them cannot be a valid marriage but a void one. The enormous efforts put in by both of us to convince her to stay away from the relationship even for a temporary period have not turned fruitful. We are distressed to note that even the advice tendered by us to undergo a counselling process has also met with resistance.

5. In these given circumstances, the first respondent will investigate the matter as to whether the second respondent has abducted the alleged detainee L.Shanmuga Priya and if so, take action against him in accordance with law. However, we cannot issue the writ as prayed for, as L.Shanmuga Priya is reluctant to join her parental home though both her parents are present in the Court with other close relatives. With a heavy heart acknowledging our failure to convince an otherwise adamant girl, we dismiss this Habeas Corpus Writ Petition, leaving the parties to workout their remedies available to them under law.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Inspector of Police,
Government of Tamil Nadu,
H-4 Korukkupet Police Station,
Chennai - 600 021.

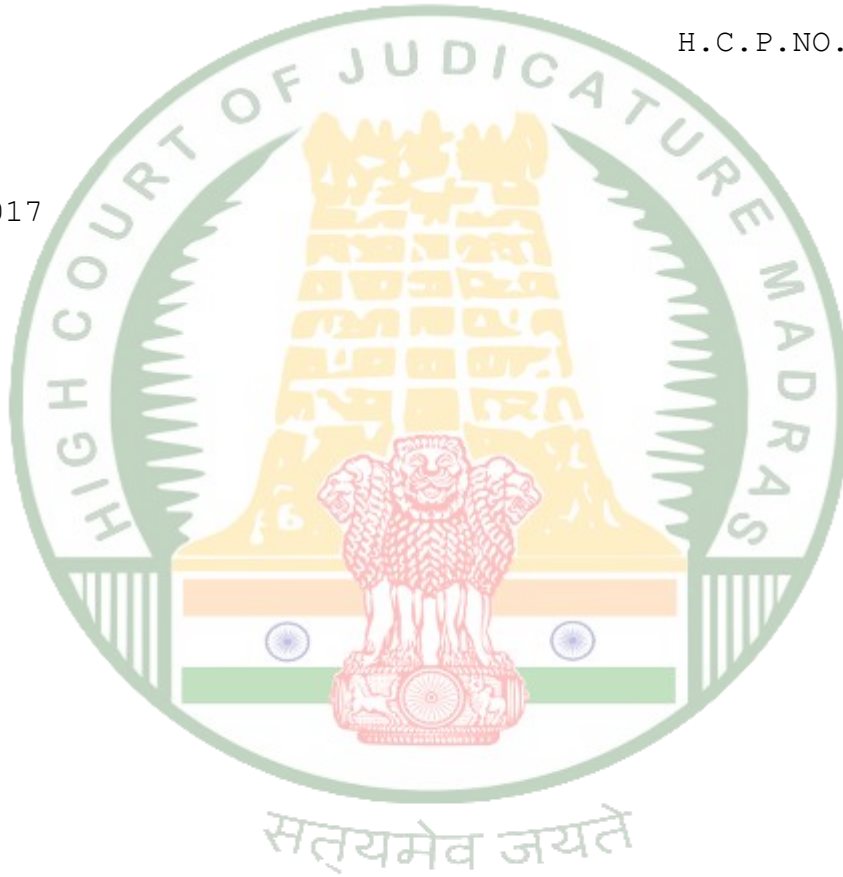
2.The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.P.R.Thiruneelakandan Advocate sr 40979

+1 cc to Mr.V.Parthiban Advocate sr 40798

H.C.P.NO.807 OF 2017

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