



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD) No.1657 of 2017

T.Ragunathan : Petitioner
Vs.

1.The Superintendent of Police,
Pudukottai District, Pudukottai

2.The Inspector of Police
Alangudi Police Station
Pudukottai District

3.The Inspector of Police
Malaiyur Police Station,
Pudukottai District

4.K.Natarajan & Relatives : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the 1st and 2nd respondents herein to produce the body or person of the petitioner's son namely, R.Chandraprakash aged about 18 years, S/o.T.Ragunathan, before this Court and set him at liberty.

For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, viz., R.Chandraprakash, aged 18 years. It is alleged in the affidavit that the detenu developed an affair with one Saranya, aged 26 years, who is the daughter of the fourth respondent. The detenu eloped with



the said Saranya on 28.10.2017. On 29.10.2017, the detenu and the said Saranya were produced before the Malaiyur Police Station. Thereafter, they have been produced before the Social Welfare Officer. The detenu was given counselling and thereafter, he was handed over to the petitioner. Again on 01.11.2017, it is alleged that the 4th respondent kidnapped his son at Alangudi bus Stop. Since his whereabouts are not known, the petitioner preferred a complaint before the respondent police and since no effective steps were taken, the petitioner is before this Court.

2.Today, when the matter was taken up for hearing, the respondent police filed a status report, wherein, it has been stated as follows:

"3.It is respectfully submitted that on 29.10.2017, the detenu Chandraprakash, aged 18 years appeared at the Malaiyur Police Station and presented a complaint by stating that he is working at Coimbatore and for the past eight years he had a close relationship with one Saranya, D/o.Natarajan. The parents of Saranya were arranging for her marriage. Hence, on 17.10.2017, he married Saranya in a temple at Tiruppur. Then they left for Bangalore and stayed there till 25.10.2017 and thereafter they returned back to Tiruppur and stayed there till 28.10.2017 and since both the parents are against their marriage and hence, they came to the Police Station and sought for protection. The said complaint was taken to community service register and assigned with CSR No.155/2017 and a petition enquiry was held.

4.It is submitted that since the detenu was not of marriageable age and the age of the said Saranya is 23 years, reference was made to the District Social Welfare Officer, Pudukottai and the detenu as well as Saranya were produced before the District Child Welfare Committee



on 30.10.2017. The District Social Welfare Officer, conducted enquiry and impressed upon the detenu as well as Saranya that their marriage is not in conformity with the law since the groom is not of marriageable age and that they could marry on attaining the appropriate age. They have consented to go separately and gave separate statement in writing to the District Social Welfare Officer and the said Saranya was sent to Ujvala Home, Avadayarkoil. In the meanwhile, the father of Saranya who appeared before the District Social Welfare Officer on 31.10.2017 was agreeable to take his daughter back from the Home."

3. On a reading of the status report, it is seen that no complaint has been preferred before the respondent police and the petitioner directly approached this Court and we are of the opinion that the detenu is in the habit of eloping and therefore, it is unnecessary to keep the petition pending for a long time. However, the petitioner is directed to give a complaint to the respondent police and on receipt of such a complaint, the 2nd respondent is directed to proceed with the same in accordance with law.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukottai District, Pudukottai

2. The Inspector of Police
<https://hcservices.ecourts.gov.in/hcservices/>
Arangudi Police Station
Pudukottai District



3.The Inspector of Police
Malaiyur Police Station,
Pudukottai District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.MAHESWARAN, Advocate SR.No.90856.

Order made in
H.C.P. (MD) No.1657 of 2017
04.12.2017

RR
SDS/SV:MMS/SAR 1/19.12.2017/4P/6C