

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.05.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.132 of 2018

K.Amudha

... Petitioner

-vs-

State by

1.The Sub Inspector of Police,
Periyathatchur Police Station,
Periyathatchur, Tindivanam Taluk,
Villupuram District.

2.Kavi @ Kaviyarasan,
Kakkan Colony,
Vikravandi,
Villupuram District.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to direct the 1st respondent to bring and produce the detinue by name Nandhini now detained by the 2nd respondent before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mr.V.M.R.Rajentran
Additional Public Prosecutor

O R D E R

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

The relief sought for in this Habeas Corpus Petition is for a direction to direct the 1st respondent to bring and produce the detinue by name Nandhini, now detained by the 2nd respondent before this Hon'ble Court and set her at liberty.

2.The mother of the detainee preferred the present habeas corpus petition on the ground that the second respondent illegally detained her daughter namely Smt.Nandhini. Though there is no allegation of illegal detention, the Habeas corpus petition is filed on the ground that the detainee is in the illegal custody of the second respondent. The first respondent police produced both the detainee as well as the second respondent. We have examined the detainee Smt.Nandhini. The detainee informed us that she has completed Higher secondary course and at her own volition she married the second respondent and living with him.

3. The learned counsel for the petitioner brought to the notice of this Court that the second respondent has not completed 21 years of age and therefore, the marriage between the detainee and the second respondent is void. During the course of the examination, we have suggested the detainee to join her parents home. She in clear terms expressed that she is not willing to join with her parents. The reason stated by her is that they are indulging in some illegal activities and they are forcing her to support such illegal activities along with her mother. When such an expression in unequivocal terms are expressed before this Court, we are not inclined to advice the detainee to go and join with her parents. The detainee is aged about 22 years and has studied upto higher secondary course, and she is capable of understanding what is good and what is bad for her life. The detainee is matured enough to understand the consequences of her life.

4.This court is of the opinion that no purpose would be served in suggesting her to join her parents. Thus it is for her to take decision in respect of her future life. However, in respect of the present habeas corpus petition, the detainee is set at liberty and accordingly, the petition stands disposed of.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

msv

To

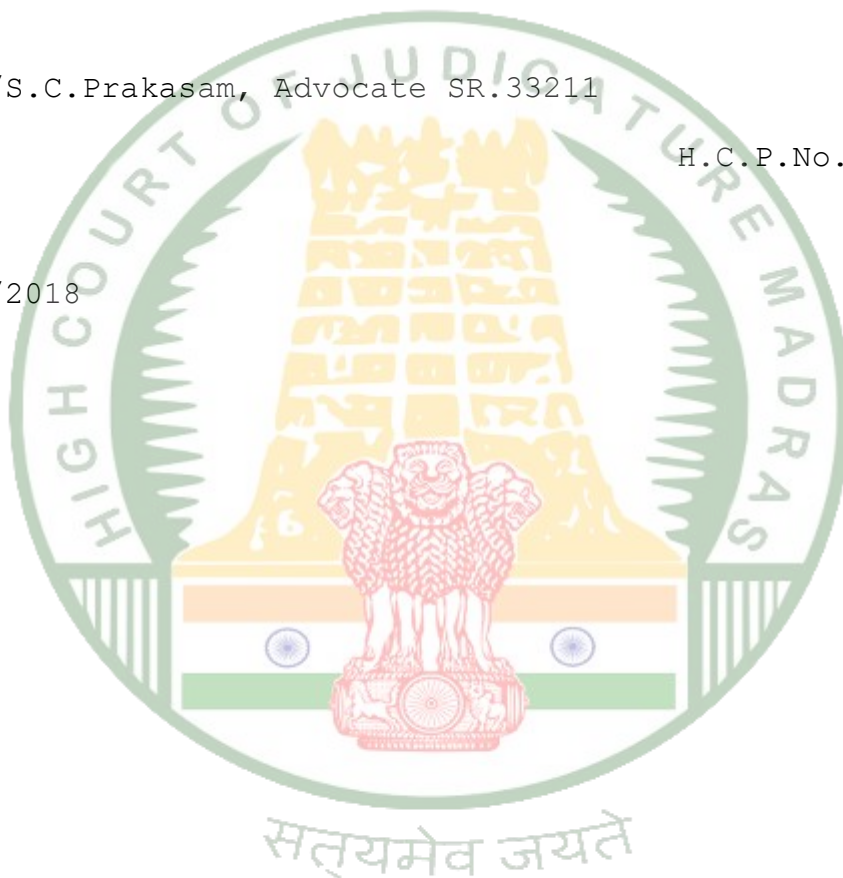
1.The Sub Inspector of Police,
Periyathatchur Police Station,
Periyathatchur, Tindivanam Taluk,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.C.Prakasam, Advocate SR.33211

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srg 25/05/2018



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