

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.05.2018

Coram

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
&
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.614 of 2018

A.Ramesh

... Petitioner

Vs.

1.State rep. by
The Superintendent of Police
Vellore
Vellore District

2.The Inspector of Police
Sipcot Police Station
Vellore District

3.R.Padmanabhan

4.Kantha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the detenu R.Levena, daughter of A.Ramesh, aged about 21 years, now detained under the custody of the 3rd and 4th respondents and set the detenu at liberty forthwith.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.R.Ravichandran
Govt. Advocate.

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 to direct the respondents to produce the body of the detenu Smt.Levena, D/o.A.Ramesh, aged about 21 years.

2.The learned counsel appearing for the petitioner states that the petitioner is the father of the detenu and the detenu, while studying M.A in AAA College in Walajapet, left the parents house on 16.03.2018. The petitioner searched his

daughter in and around places and thereafter, lodged a complaint with the respondent police. The respondent commenced the investigation and found that the detainee, namely Smt. Levena already married one Mr. R. Padmanabhan, who is employed as Naick in Indian Army and presently working in New Delhi.

3. The respondent police produced both the detainee as well as the third respondent before this Court. We have examined both the detainee as well as the third respondent and also the writ petitioner. The detainee Smt. Levena in unambiguous terms expressed her willingness to go along with the third respondent. Further, she informed us that she had married the third respondent on 26.02.2018 and her Date of Birth even as per the school records is 10.07.1996. Thus, she married the third respondent at the age of 22 years and therefore, she is willing to live with the third respondent. Father of the detainee/petitioner informed us that the marriage solemnized between the daughter of the petitioner and the third respondent is in prohibited relationship and therefore, this Court should interfere.

4. As far as the Habeas Corpus Petition is concerned, these issues cannot be adjudicated. Thus, the petitioner is at liberty to approach the appropriate Court of law for the purpose of redressing his grievances in this regard. However, the detainee had been produced before this Court. Now the detainee has expressed her willingness to live along with the third respondent. As the detainee is a major and she has expressed her willingness to live along with the third respondent, we have no option, but to set her at liberty.

Accordingly, the detainee is set at liberty and the present Habeas Corpus Petition is disposed of.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

gpa

To

1. The Superintendent of Police
Vellore
Vellore District

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2.The Inspector of Police
Sipcot Police Station
Vellore District

3.The Public Prosecutor,
Madras High Court,
Chennai.

H.C.P.No.614 of 2018

RK(CO)
SP(16/05/2018)



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