

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2018

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL
and
THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

H.C.P.No.996 of 2018

Kaliappan

... Petitioner

Vs

1.The State represented by its
Inspector of Police,
Neelankarai Police Station,
Kanchipuram District.
(Cr.No.542 of 2018)

2.Venkatesan

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the 1st respondent herein to produce the body of petitioner's daughter K.Kalpna who is under the illegal custody of the 2nd Respondent herein and produce her before this Court and set her at liberty.

For Petitioner : Mr.R.Karthikeyan

For 1st Respondent : Mr.R.Prathap Kumar
Additional Public Prosecutor

For 2nd Respondent : Mr.K.Venkatesan

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner, the Learned Additional Public Prosecutor for the 1st Respondent and the Learned Counsel for the 2nd Respondent.

2.The Petitioner/Father has filed the present Writ of Habeas Corpus seeking to produce the body of his daughter K.Kalpna, who is under the illegal custody of the 2nd Respondent.

3.Today, the 1st Respondent/Inspector of Police, Neelankarai Police Station, Chennai - 600 115 has produced the Detenue Kalpana, aged about 19 years before this Court. When this Court interacted with the Detenue Kalpana, she has stated that her date of birth is 12.05.1999 at 3.29 p.m., as evidenced from the Birth Certificate issued by the Corporation of Chennai dated 17.02.2004. According to her, she had passed second year B.Com. (Information System and Management) Course from D.B. Jain College, Thuraipakkam and is to proceed for third year. She loved one Manoharan, aged 27 years, working as Mechanic and further, she has stated that her marriage with the said Manoharan took place on 10.05.2018 at Arulmighu Sri Nagakanniamman Putru Thirukovil, Thiruverkadu. Also, she has stated that now she is residing in a private house at Kandasamy Nagar, Maduravoil along with her husband and living happily and that she belongs to Hindu M.B.C. (Gounder) community and her husband belongs to Vanniar community.

4.The 2nd Respondent/Father-in-Law of the Detenue Kalpana had filed a counter affidavit stating that after the marriage of the aforesaid Kalpana with his son Manoharan on 10.05.2018, a reception was taken place at Marriage Hall at Parrys on 18.05.2018, which fact is also confirmed by the Detenue Kalpana.

5.In view of the fact that the Detenue Kalpana is a major/ adult and she had married the 2nd Respondent's son Manoharan out of her own will and volition, this Court is of the considered view that she is entitled to take an independent further course of action, as she deems fit and proper.

6.Viewed in that perspective, this Court closes the present Habeas Corpus Petition, as nothing survives for further adjudication.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Sgl
To

1.The Inspector of Police,
Neelankarai Police Station,
Kanchipuram District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Karthikeyan, Advocate Sr.35284
+1cc to Mr.K.Venkatesan, Advocate Sr.35227

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