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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P(MD)No.224 of 2018

Shanmugavel

... Petitioner

Vs.

1.The State rep. By its,
The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

3.Mari @ Mariselvam

... Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detainee namely Mariammal, D/o.Shanmugavel, aged about 18 years, before this Court and set her at liberty and pass such further or other orders.

For Petitioner : Mr.R.Gowrishankar

For RR 1 & 2 : Mr.R.Anandharaj,
Additional Public Prosecutor.

ORDER

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

The petitioner is the father of the detainee, namely Mariammal, who is aged about 18 years and born on 10.11.1999.

2.According to the petitioner, the detainee is his elder daughter and was studying B.Com 1st year in S.B.K.College, Aruppukottai and she was a bright student and expressed her willingness to go for higher studies and with great difficulties, she was educated. The petitioner would further aver that her daughter/detinue went to the College on 10.02.2018 and thereafter, did not return and they made a thorough check and came to know that she had fallen in love with the third respondent. The petitioner also apprehend that they belong to downtrodden community, whereas



the third respondent belong to other backward class community and there is likely to be a communal problem also. The petitioner, alleging illegal detention at the hands of the third respondent, came forward to file this Habeas Corpus Petition.

3. This Court has ordered notice to the respondents on 22.02.2018.

4. Mr. R. Anandharaj, learned Additional Public Prosecutor appearing for the State made a mention that since the detainee has been secured, the second respondent may be permitted to produce the detainee before this Court and accordingly, this Court has granted permission to take up this Habeas Corpus Petition.

5. The detainee/girl was produced by the second respondent and this Court made enquiry with her and she submitted that on her own will and volition, she went with the third respondent and already they got married at Alagar Kovil and at present she and the third respondent are living as wife and husband and settled at Chennai and when this Court has put a specific question as to whether she is willing to go with her parents, who are present before this Court, she has expressed her disinclination.

6. This Court has also enquired the third respondent and he would state that he is an employer in a leading Hotel chain at Chennai and he is also doing part time job and promised to maintain the detainee and he will also help her to pursue further education.

7. The parents of the detainee are also enquired and they submitted that since they belong to downtrodden community, communal problem will arise and they apprehend danger to the life of the detainee/daughter.

8. Mr. R. Anandharaj, learned Additional Public Prosecutor, appearing for the State would submit that in the light of the fact that it is an inter-caste marriage, adequate police protection would be provided to them for time being and thereafter, the situation will be reviewed for taking further course of action and the said submission, on instructions, is placed on record.

9. Since the detainee is a major and on her volition, said to have married the third respondent and according to her, they are living as husband and wife, this Court is not inclined to pass orders entrusting her custody to her father, namely, the petitioner.

10. In the result, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

/True Copy/



To தமிழ்நாடு

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1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

3.The Station House Officer,
RK&, M.G.R
Nagar Police Station,
Chennai - 600 028.

+One cc to Mr.R.Gowri Shankar, Advocate, SR.No.52874

ps

RL/5C/3P/JC/SAR1/20/3/2018

H.C.P (MD) No.224 of 2018

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