



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.01.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition No.1656 of 2017

M.Chellamuthu

... Petitioner

-vs-

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

2.The Sub-Inspector of Police,
Devakottai Town Police Station,
Sivagangai, Sivagangai District.

3.Manikandan

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the Respondents Nos.1 and 2 to produce the body or person of the detenu, namely, C.Jeyadharshini, D/o.M.Chellamuthu, aged about 19 years before this Hon'ble Court and hand over her to the petitioner and pass any other appropriate order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.V.Perumal

For R1 & R2 : Mr.C.Ramesh
Addl. Public Prosecutor

For R3 : Manikandan
Party-in-person

O R D E R

**(Order of the Court was made by
S.Vimala,J.,)**

The petitioner, who is the father of the detenu, has filed this petition, seeking direction to the Respondent Nos.1 and 2 to produce her daughter / detenu, namely, C.Jeyadharshini, aged about 19 years before this Court and set her at liberty.



2. According to the petitioner, he has two children, viz., a son and a daughter, out of whom, his daughter is doing 2nd year Engineering course in a private college at Amaravathy Pudur. On 12.10.2017, his daughter was found missing and even after a hectic search, he was unable to trace out her. Therefore, suspecting that the third respondent would have kidnapped her and been keeping her under illegal custody, he preferred a complaint with the 2nd respondent for production of his daughter and since no effective steps were taken by the Police, he is before this Court, seeking for the above direction.

3. The learned Additional Public Prosecutor has produced the detenu, namely, C.Jeyadharshini, along with the third respondent, before this Court with the help of Police.

4. On being enquired with the detenu, she has stated that she has not been abducted by anyone, more particularly, by the third respondent and she has voluntarily left her parental home and married the third respondent on 13.10.2017 itself. She has further stated that she is not inclined to go with her parents and has expressed her willingness to accompany the third respondent.

5. The petitioner and his wife / parents of the detenu are present before this Court, who wanted their daughter to remain separate till completion of her education, for which, the detenu is not willing. On further enquiry with the detenu, it was revealed by her that she is pregnant by three months.

6. The third respondent also confirmed the marriage with the detenu and endorsed the statement of the detenu regarding her pregnancy. He has undertaken before this Court that he will provide utmost care, affection and protection to the detenu forever so as to enable her to lead a peaceful matrimonial life with him.

7. Considering the fact that the detenu is major having attained the age of 19 years and also the fact that she is desirous to accompany the third respondent, she is set at liberty to act as per her own wish. It is made clear that the third respondent, having confirmed the marriage with the detenu and also having confirmed her pregnancy through him, is put on notice that the protection and safety of the detenu is at his hands hereafter.

8. The Habeas Corpus Petition stands closed accordingly.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To:

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Sub-Inspector of Police,
Devakottai Town Police Station,
Sivagangai, Sivagangai District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Karthikeyan, Advocate Sr.No.43201

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VB/KK/SAR3/01.02.2018/3P/5C

**Habeas Corpus Petition No.1656 of 2017
19.01.2018**