

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.2642 of 2018

Date: 14.02.2018

Between:

Kanakala Prasad, S/o. Penchala Naidu,
Aged about 43 years, Occ: Xerox shop owner,
R/o.8-25-6, Mangamuru Road,
Near Rangarao Hospital,
Ongole, Prakasam district-523001 ... Petitioner

And

The State of Andhra Pradesh,
rep. by the Principal Secretary,
Home Department,
A.P. Secretariat, Velagapuri,
Amaravati, Guntur district,
A.P. and eight others. ... Respondents

Counsel for the Petitioner : Mr. N.Aswartha Narayana

Counsel for the Respondents: A.G.P. attached to A.G. (A.P.)

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for the following relief:

“to issue a writ of Habeas Corpus directing the respondents No.5 and 6 to release petitioner's daughter Kankanala Indu from the alleged custody of the 8th and 9th respondents forthwith and produce her before this Hon'ble Court and set her at liberty and handover to petitioner and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case”.

2. Respondent Nos.8 and 9 and the petitioner are personally present. Additional Affidavit is filed by the petitioner. From the perusal of the additional affidavit, we find that the undertaking is given, converse to the one suggested by this Court, namely, the petitioner's willingness to perform the marriage of his daughter i.e. the alleged detainee with respondent No.8, on the latter attaining 21 years of age. Instead, it is stated in the additional affidavit that as required by this Court, petitioner is giving an undertaking that he will not perform his daughter's marriage with any one, till respondent No.8 attains the age of majority.

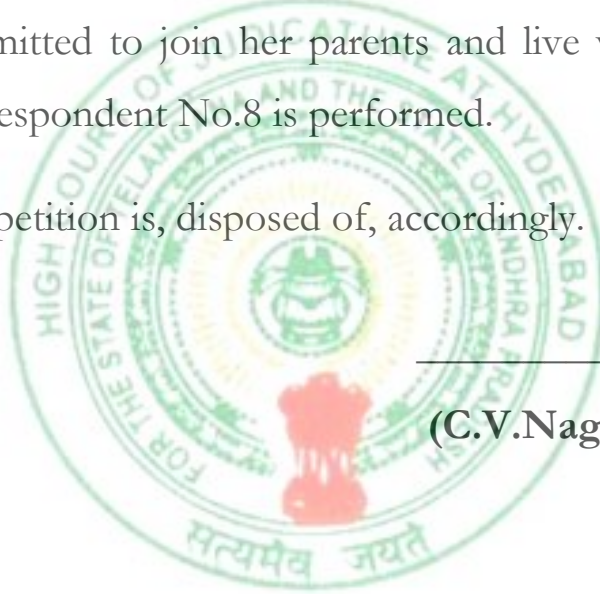
3. At the hearing, the petitioner however, stated that his instructions were not properly presented in the additional affidavit and, that, he is very much interested in performing the marriage of the alleged detainee with respondent No.8, on the latter attaining the age of 21 years.

4. At this stage, respondent No.8 submitted that he and his father i.e. respondent No.9, had discussions with the petitioner and that they are convinced about the bona fides of the petitioner and the alleged detainee and that, therefore, they have no objection for the alleged detainee to live with her parents till respondent No.8 attains the age of 21 years.

5. As requested by the alleged detainee during the previous hearing, the petitioner and his wife have brought a new mobile phone along with the sim card, and handed over the same to their daughter, to facilitate her to remain connected with respondent No.8, till their marriage is performed. The alleged detainee also expressed her willingness to join her parents, till her marriage is performed with respondent No.8.

6. In the light of the above facts, the oral undertaking given by the petitioner and his wife that they will perform the marriage of their daughter i.e. the alleged detainee with respondent No.8, on the latter attaining the age of 21 years, is placed on record and the alleged detainee is permitted to join her parents and live with them till her marriage with respondent No.8 is performed.

7. The writ petition is, disposed of, accordingly.



(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Date: 14th February, 2018

msb