

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.281 of 2019

Sekar
S/o Balasundaram ... Petitioner

-vs-

1. The State of Tamil Nadu
rep.by the Deputy Superintendent of Police
Thuraipakkam, Chennai
2. The Assistant Commissioner of Police
Adyar, Chennai 600 020
3. The Inspector of Police
J-13, Police Station
Nehru Street, Kangam
Tharamani, Chennai
4. Amarnath ... Respondents

Prayer: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, directing the respondents herein to produce the corpus body of the petitioner's daughter, namely, S.Divya, aged about 23 years and set her at liberty.

For Petitioner :: Mr.R.Ramesh

For Respondents :: Mr.C.Iyyappa Raj
Additional Public Prosecutor
for R1 to 3

ORDER

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

This order is passed in continuance with the earlier order dated 22.2.2019.

2. The petitioner is the father of the detinue, namely, S.Divya, aged about 23 years, (25.07.1995). It appears that on her own volition, she got married to the fourth respondent. The marriage is said to have been registered by the Marriage Officer Pastor J.P.Anandaraj, Episcopal License No.95/2014, Marriage Registrar, Tamil Nadu. The father of the petitioner, alleging illegal custody of his daughter-detinue at the hands of the fourth respondent, has filed this habeas corpus petition.

3. When the matter was listed on 22.2.2019, the detinue as well as the fourth respondent were present. The detinue would state that she was in love with the fourth respondent and got married to him. Since the parents of the detinue were not present on that date, this Court directed the listing of the matter to this date. The parents, who are present, would submit that though the detinue and the fourth respondent got married as early as in the year 2017, that fact has not been even disclosed to them and on account of the act of their daughter-detinue, they are put to extreme hardship and difficulty and facing social boycott also.

4. The detinue along with the fourth respondent are once again present before this Court and the detinue would state that her parents want her to come alone to the parental home and that she is unable to give consent to the said proposal. Hence, she prayed that she may be set at liberty, to act as per her own choice. The fourth respondent also would submit that he will maintain the detinue/his wife carefully and properly.

5. In the light of the fact that the detinue is a major and it appears, on her own volition, she got married to the fourth respondent, it may not be said that the detinue is in illegal custody and detention at the hands of the fourth respondent. Therefore, the habeas corpus petition is closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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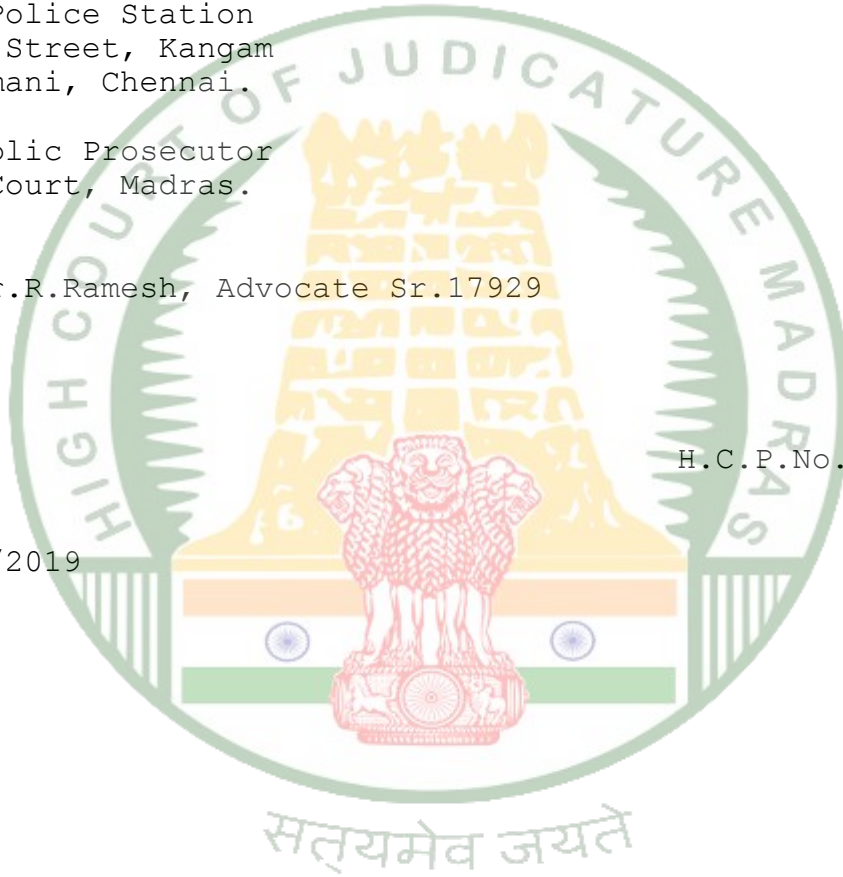
To

1. The Deputy Superintendent of Police
Thuraipakkam, Chennai.
2. The Assistant Commissioner of Police
Adyar, Chennai 600 020.
3. The Inspector of Police
J-13 Police Station
Nehru Street, Kanganam
Tharamani, Chennai.
4. The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Ramesh, Advocate Sr.17929

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srg 28/03/2019



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