

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

HCP.No.354 of 2019

S.Tamil Selvi

.. Petitioner

Vs.

1.The Inspector of Police
T.P.Chattiram, Kilpauk
Chennai - 600 010.

2.Dinesh

.. Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Habeas Corpus to direct the first respondent herein to produce the daughter of the petitioner, Anitha, 18 years before this Court from the illegal custody of the second respondent and set her at liberty forthwith.

For Petitioner : Mrs.G.Gayathri

For Respondents : Mr.C.Iyyaparaj [R1]
Additional Public Prosecutor

ORDER

[Judgment of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner is the mother of the detenu, named Anitha. She was born on 23.11.1999 and has completed 18 years. It is averred that the detenu is pursuing I year B.Sc., (Maths) at Ethiraj College for Women, Chennai and on 02.2.2019, she went to college but, did not return home. The petitioner as well as her husband made out all efforts to trace her daughter, but later came to know that the second respondent, against her will had kidnapped her daughter and hence lodged a complaint before the first respondent, based on which a case in CSR.No.10 of 2019 was registered on 04.02.2019 under the offence "girl missing" and the same is under investigation.

2. When the matter was listed today, the detenu was produced and she would state that she on her own volition left her parental home and got married to the second respondent, Dinesh, S/o.Mr.Perumal, residing at 136, Mariyamman Koil Street, Su.Katteri, Vandavasi, Tiruvannamalai District, on 03.02.2019 and produced the marriage invitation card and also the Certificate of Marriage Registration bearing No.TMR/Peranmallur/1/2019 dated 07.02.2019. She also added that she is now residing in her matrimonial home and pursuing her II year degree in B.Sc. (Maths) and she also prays for return of her original certificates, which are now in the care and custody of her parents.

3. The parents of the detenu is also present and they would state that the second respondent is none other than the brother-in-law of his elder brother's daughter and that his elder brother's daughter was driven out of her matrimonial home on account of dowry demand. They also undertake to hand over the original educational testimonies/certificates of the detenu, as required by her.

4. In the light of the above facts and circumstances, this Court is of the considered view that since the detenu is a major and she on her own volition had married the second respondent and even according to her, she is not in illegal custody and confinement under the second respondent, no further orders are necessary in this Habeas Corpus Petition and accordingly this petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Inspector of Police
T.P.Chattiram, Kilpauk
Chennai - 600 010.

2.The Public Prosecutor
High Court, Madras.

HCP.No.354 of 2019

PM(CO)
CSL/18.03.2019