

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM:

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

H.C.P.No.634 of 2019

N.Basavaraj

.. Petitioner

Vs.

1.The Superintendent of Police
Office of the Superintendent of Police-Ooty
Nilgiris.

2.The Inspector of Police
Law and Order
Denadukombai Police Station
Ooty, Nilgiris.

3.Karthik

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents herein to produce the minor girl B.Jeevitha, daughter of N.Basavaraj, aged 17 years, who has unlawfully confined under the custody of the third respondent herein before this Court and handover her custody to the petitioner herein.

For Petitioner .. Mr.A.Palaniappan

For Respondents.. Mrs.V.Sarathadevi
Government Advocate [R1 & R2]

ORDER

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

The petitioner, who is the father of the detenue namely B.Jeevitha [DOB:07.07.2001], alleging illegal custody and detention of her daughter at the hands of the third respondent, came forward to file this Habeas Corpus Petition and the same

has been entertained by this Court on 26.03.2019.

2. Today, the detainee is produced before this Court and she would state that she is in love with the third respondent and on her own volition, she left the parental home and married the third respondent on 09.12.2018. Their marriage was an inter-caste marriage and now she is in her family way.

3. The aunt/junior mother of the third respondent is also present and she would state that she will take care of the detainee, who is now in her family way. She also assured that she will not force anything upon the detainee against her wish, especially with her right to follow her own religion.

4. The parents of the detainee are also present before this Court, and they would state that the detainee had completed her Higher Secondary Education and without realising the consequences of her marriage with the third respondent, and being fascinated by the sweet words of the third respondent and his family members, she had deserted the parental home. Further, the parents of the detainee apprehending safety and well-being of the daughter, seeks leave of this Court to give suitable and proper advise to her daughter, so that she may return to her parental home.

5. This Court heard the submissions of the learned counsel appearing for the petitioner and also perused the materials placed before it.

6. Though the fact remains that as on date, the detainee is a minor, but, she being an educated girl, who had completed her Higher Secondary Education, and she is in an able position to understand the consequences of being in the company of the third respondent, and that too, now she is in her family way, this Court is not in a position to force her to do something, which is against her wish. Therefore, the detainee namely B.Jeevitha is set at liberty, so as to enable her to decide her future call.

7. This Habeas Corpus Petition is disposed of accordingly.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

ds

To:

- 1.The Superintendent of Police
Office of the Superintendent of Police-Ooty
Nilgiris.
- 2.The Inspector of Police, Law and Order
Denadukombai Police Station
Ooty, Nilgiris.
- 3.The Public Prosecutor, High Court, Madras.

H.C.P.No.634 of 2019

BR(CO)
GMY(28/05/2019)



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