

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM:

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

H.C.P.No.529 of 2019

Malarvizhi .. Petitioner / Petitioner

Vs.

1. The Superintendent of Police  
Thiruvallur District - 602 001.
2. The Inspector of Police  
B-5 Manavala Nagar Police Station  
Manavala Nagar  
Thiruvallur District - 602 002. ... Respondents / Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the second respondent to cause the protection of the body of the detenu P.Kanimozhi, D/o.Panneer Selvam, aged about 22 years old, and produce before this Court and set her at liberty.

For Petitioner ... Mr.E.Gajendran

For Respondents ... Mr.C.Iyyapparaj  
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu namely P.Kanimozhi, aged about 22 years (D.O.B : 04.10/1996). According to the petitioner, her daughter, the detenu was pursuing her Master Degree in Commerce in Bakthavachalam Arts and Science College, Korattur and as usual, she went to college on 04.03.2019 in a two wheeler and she did not return home, and thereafter, the efforts taken by her family members to trace her out, was futile. Therefore, she lodged a complaint before the second respondent-police, based on which, a case in Crime No.93 of 2019 came to be registered for "girl missing". Since no

action was taken by the respondent-police thereafter, the petitioner, the mother of the detinue has come forward to file the present Habeas Corpus Petition.

2. Today, when the matter is called, the detinue along with one Deepan Raj, S/o.Thiru Govindharaj, resident of 143, Adhi Dravidar Colony, Ananthapuram Village, Thakkolam Post, Vellore are present before the Court. The parents of both the detinue and Deepan Raj are also present along with their respective counsels.

3. The detinue was enquired by this Court and she would state that she had developed love affair with Deepan Raj and on her own volition, she left her parental home and got married on 25.02.2019 and their marriage was registered on 04.03.2019 by the Marriage Registrar, SRO Oothukkottai, vide Certificate of Registration of Marriage bearing No.TMR/Oothukkottai/132/2019 and would further state she is being looked after with care and love by her husband Deepan Raj and her in-laws.

4. Mr.Deepan Raj, the husband of the detinue, who is present before this Court, would state that out of pure love and affection, he got married the detinue and he is at present working as an Air Conditioning Mechanic and he would take care of the detinue, and the same assurance was also given by his parents.

5. The parents of the detinue is also present before this Court and the petitioner, the mother of the detinue is enquired and she would state that since the detinue has demanded that she should be given Post Graduate Education, they have admitted her in Bakthavachalam Arts and Science College, Korattur, and there was not even a hint as to her love affair with Deepan Raj, and when they came to know about her marriage, they rescind to their fate.

6. Mr.C.Iyyaparaj, learned Additional Public Prosecutor appearing for the State would submit that the detinue on her own accord appeared before the learned Judicial Magistrate No.II, Tiruvallur on 08.03.2019, and made a statement that she being a major, decided to lead her life at her own choice, and she left the parental home on her own volition and got married. Her statement was recorded by the learned Magistrate.

7. In the light of the above facts and circumstances that the detainee is well educated, she is a major, aged about 22 years and she has all rights to decide her future course of events, and that on her own volition, she took a decision to marry Deepan Raj, and left her parental home, and that the detainee is not under illegal custody or under confinement in the hands of somebody, this Court is of the considered view that the detainee being a major, she is at liberty to take a decision of her own choice to take care of her future life, no further orders are necessary in this Habeas Corpus Petition and accordingly this petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Superintendent of Police  
Thiruvallur District - 602 001.
2. The Inspector of Police  
B-5 Manavala Nagar Police Station  
Manavala Nagar  
Thiruvallur District - 602 002.
3. The Public Prosecutor  
High Court, Madras.

H.C.P.No.529 of 2019

KJ(CO)  
SSM(12/04/2019)

सत्यमेव जयते

WEB COPY