



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD) No.446 of 2019

V.Rajagopal

... Petitioner

Vs.

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
- 3.Mahesh

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's Daughter namely Sandhya, aged about 24 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.S.Jayakumar

For Respondents 1 & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For 3rd Respondent : Mr.S.C.Herold Singh

O R D E R

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

The petitioner is the father of the detainee, viz., Sandhya, aged about 24 years. According to him, she is studying M.E. at Arunachala Engineering College at Vellichandai, Kanyakumari District and used to attend the College every day and like that she went to the College on 21.05.2019 under the pretext of attending the final examination. Even after 5.45 p.m., she did not return. In this regard, the petitioner has lodged a complaint on the file of the second respondent and since the petitioner is very much concerned with the safety, well being and whereabouts of his daughter, he has come forward to file the present habeas corpus petition.

2.This Habeas Corpus Petition has been entertained on 29.05.2019. Today, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State would submit that the detainee is being produced and accordingly, the matter is listed today. The learned counsel for the petitioner is present, so also, the parents



of the detenue as well as the third respondent.

3.The petitioner/father of the detenue would submit that he was employed as a menial in a gulf country and out of his hard earned money he educated the detenue in one of the best educational institution and expressed surprise and sadness as to the act of the detenue in eloping with the third respondent. The detenue would state that she is in love with the third respondent and since it was opposed by her parents, she voluntarily left the parental home and got married to the third respondent on 29.05.2019 and at present both of them are living as husband and wife. The third respondent would submit that his marriage with the detenue is also opposed by his parents and both of them have set up a separate residence and residing there.

4.The learned counsel appearing for the petitioner would submit that this Court may pass appropriate order in the light of the fact that the detenue is a major, so also the learned counsel appearing for the third respondent.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.The detenue is a major and educationally well qualified and she consciously took a decision to go with the third respondent and according to her, she and the third respondent after marriage on 29.05.2019 are living as husband and wife. Though this Court understood the anxiety of the parents of the detenue, it is not in a position to come in aid of them for the reason that the detenue is a major and she has taken a call with regard to her future. Hence, the detenue is set at liberty to take a call on her future and well being.

7.The Habeas Corpus Petition is disposed of with the above observations.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Superintendent of Police,
Kanyakumari District.



2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No. 67247

+1cc to Mr.S.Jayakumar, Advocate, SR.No. 67694

H.C.P(MD) No.446 of 2019

06.06.2019

sj

KK/SAR/14.06.2019/3P-6C