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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.549 of 2019

N.Syed

... Petitioner

Vs.

1.The Inspector of Police,
North Police Station,
Tuticorin District.

2.Michael

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the 1st respondent to produce the body or person of the detainee, namely, Kesar Jahan, D/O.Syed, aged about 22 years before this Court and set her at liberty.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R.1

Mr.Joseph Jerry for R.2

O R D E R

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

The petitioner is the father of the major detainee, namely, Kesar Jahan, aged about 22 years. According to the petitioner, she is his second daughter, completed B.Com., and also a Computer course and was working in a Computer centre as System Operator for the past 1 ½ years. It is the specific case of the petitioner that the second respondent had, by mincing sweet words and allurements, managed to take her out of the house on 10.06.2019 and alleging her illegal custody and detention at the hands of the second respondent, he came forward to file this petition and it was also entertained.

2.The learned Additional Public Prosecutor made a mention today, since the detainee has been secured and accordingly, the matter is taken up.



3.The detinue as well as the second respondent are produced before us and on enquiry, the detinue would state that since marriage arrangements had been made by her father and that she is not prepared for the marriage and she, on her own volition, went out of the house and at present, she is staying at Chennai in a friend's house and employed in a construction company at Villivakkam and she would further state that sometime thereafter, she may take a decision as to whether she can go back to her parental home or not.

4.The learned Counsel for the second respondent produced the second respondent, who has also admitted the relationship between him and the detinue and further stated that he is also a married man and out of the wedlock, he is also having two minor female children and on account of the matrimonial discord, his wife has left the matrimonial home and he is taking steps to file a petition for divorce.

5.The father of the detinue is also present and upon enquiry, he denied the allegations that arrangements have been made to get her daughter married and also assured that as and when the custody of her daughter is entrusted to him, he would further educate her so as to enable her to settle well in her life.

6.The learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner in CSR No.295 of 2016, the enquiry is on.

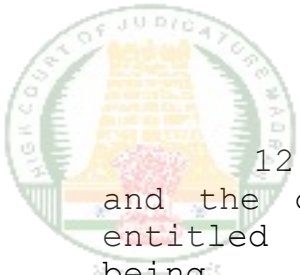
7.This Court considered the rival submissions and perused the materials placed on record.

8.Admittedly, the detinue is aged about 22 years and she is also a graduate in Commerce and on enquiry, she responded that she is well aware of the consequences of having developed intimacy with the second respondent, who is also a married man and yet to get divorce from his wife.

9.The detinue, in response to the plea made by her father to return to the parental home, submitted that for sometime she wants to live away from her parents and in future, she may take a call whether to go back to the parental home or not.

10.The detinue is a major, who is also a graduate and it, *prima facie*, appears that on her own volition, she left the parental home and took a conscious decision to stay with her friends at Chennai and according to her, she is working in a construction company at Villivakkam.

11.In the light of the above said facts and circumstances of the case, this Court is unable to come to the aid of the petitioner.



12. In the result, the Habeas Corpus Petition is disposed of and the detenue is set at liberty and she, being a major, is entitled to take a call with regard to her own future and well being.

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Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

gk/dsk

To

- 1.The Inspector of Police,
North Police Station,
Tuticorin District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.D.SARAVANAN, Advocate Sr. No. 71454

H.C.P(MD) No.549 of 2019
24.06.2019

PM(CO)

TR (09.07.2019) 3P 4C