



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.04.2019

Pronounced on : 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.92 of 2019

G.Pandi

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.

3.Pandiarajan

... 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 & 2 to produce the body or person of the detenu / petitioner's daughter, namely, Saranya Devi, D/o.Pandi, aged about 24 years from the illegal custody of the third respondent and set her at liberty.

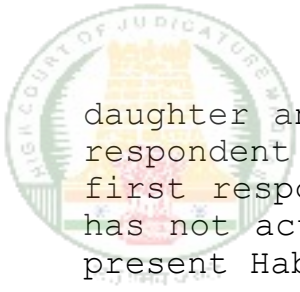
For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor
for R.1 & R.2
Mr.Veera. Kathiravan Senior Counsel
Amicus Curiae

O R D E R

(Order of the Court was made by **P.N.PRAKASH, J.**)

The petitioner is the father of the detenu, namely, Saranya Devi, aged about 24 years and according to him, his daughter is a M.Com., C.A., graduate and on 27.12.2018, she went to his sister-in-law's house at Thiruthangal, but, has not returned. On enquiry, the petitioner came to know that the third respondent has kidnapped his



daughter and therefore, he has lodged a complaint before the second respondent Police on 27.12.2018 and a further complaint before the first respondent on 18.01.2019. Alleging that the respondent Police has not acted upon the said complaint, the petitioner has filed the present Habeas Corpus Petition.

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2. When the matter was taken up for hearing, the detainee was produced before this Court and on enquiry, she would state that she was in love affair with the third respondent, namely, S.Pandiyaraj and since her parents have not agreed for the marriage, she, on her own accord, went to Chennai, where the third respondent was working. She further stated that through friends, they came to know about an organisation namely, கலப் பத்திரமணம் புரிந் தோர் நலச் சங்கம் at Coimbatore and therefore, they went to Coimbatore and got married through the said organisation.

3. The third respondent, who is present before this Court, also stated that he and the detainee are lovers and they got married on 03.01.2019, in the presence of a Sangam, namely, கலப் பத்திரமணம் புரிந் தோர் நலச் சங்கம் at Coimbatore.

4. The petitioner, who is present before this Court, is also been aware of the statements made by the detainee. However, he questioned the legality of the marriage performed by the Sangam.

5. Be that as it may, since the detainee is a major and according to her, she, on her own volition, has left the parental home and married the third respondent, this Court does not find any illegal detention / custody.

6. Hence, this Habeas Corpus Petition is closed, as no illegal detention is made out and the detainee is set at liberty, enabling her to take a call as to her own future and well being.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

gk

To

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



2. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar District.

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

orders made in
H.C.P (MD) No. 92 of 2019
22.10.2019

gk (CO)
TR (22.11.2019) 3P 4C