

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

H.C.P. No. 346 of 2020

J. Senthilkumar

..Petitioner

Vs.

1. State of Tamilnadu,
rep. by Sub Inspector of Police (Law & Order),
Kilvelur Police Station,
Nagapattinam District.

2. The Superintendent of Police,
District Police Office,
Nagapattinam,
Nagapattinam District.

3. Manoj

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus to direct the 1st respondent, namely, the Sub-Inspector of Police (Law & Order), Kilvelur Police Station, Nagapattinam District to produce the petitioner's daughter namely Jayasruthi, aged about 19 yrs before this Hon'ble Court and set her at liberty.

For Petitioner :: Mr.S. Giritharan

For Respondents :: Mr.R. Prathap Kumar,
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by N. KIRUBAKARAN,J.)

The petitioner has come before this Court stating that his daughter was missing from 03.02.2020 after her engagement with one Tamilvanan. Therefore, the petitioner gave a complaint to the respondent Police on 04.02.2020 which was registered in

Crime No. 63 of 2020. Since no action was taken on the said complaint, the petitioner is compelled to approach this Court.

2. When the matter is called today, the petitioner along with his wife is present.

3. Learned Additional Public Prosecutor would submit that the petitioner's daughter has been secured and she is said to have married the 3rd respondent at Arulmighu Mariamman Temple at Mayiladuthurai on 20.02.2020. Thereafter, she is living with him.

4. The petitioner's daughter/the alleged detainee, the 3rd respondent, Manoj, with whom she got married and the father of the 3rd respondent are all present. When we questioned the detainee as to whether she went on her own volition or under compulsion, she would submit that on her own volition, she went along with the 3rd respondent, whom she loves from her school days and got married to him without any pressure and living with him. The father of the 3rd respondent, who is also present, would submit that their family is being threatened by the petitioner's family with dire consequences as his son got married to the petitioner's daughter.

5. Though the petitioner is not willing to recognise the said marriage, considering the fact that the petitioner's daughter's date of birth is 24.01.2001 and she being a major, has categorically expressed her desire to go along with the 3rd respondent as she got married to him, the petitioner's daughter is permitted to go along with the 3rd respondent, her husband.

6. Eventhough the 3rd respondent would state that the certificates of the detainee are available with the petitioner, on verification with the petitioner, it is seen that only Aadhar card of the detainee is available with him and the same is handed over to the petitioner's daughter in open Court by the petitioner.

7. In the light of the above, the Habeas Corpus Petition is dismissed as infructuous.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. The Sub Inspector of Police (Law & Order),
Kilvelur Police Station,
Nagapattinam District.
2. The Superintendent of Police,
District Police Office,
Nagapattinam,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Giridharan, Advocate, S.R.No.21275

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SPD(CO)
KKV/21/05/2020



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