

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P. No. 1217 of 2020

K. Sarath Kumar, M/A. 21 years,
S/o. Kuppan,
O. Rajapalayam,
Odukathur (via) Aanicut Taluk,
Vellore District. ... Petitioner

Vs.

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

2.The Inspector of Police,
Karaikudi North Police Station,
Sivaganga District.

3.Periyasami,
S/o. Neraikudam,
No.459, VOC Road,
Karaikudi,
Sivaganga District.

.. Respondents

PRAYER : This petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detainee namely Niranjana Devi D/o. Periyasamy aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr. M. Sathish Kumar

For Respondents: Mrs. M. Prabhavathi (For R1 & R2)
Additional Public Prosecutor
Mr. Muniyandi (For R3)

O R D E R

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

The matter is heard through video-conferencing.

2.The petitioner alleges that he got acquainted with the detenue viz., Niranjana Devi, daughter of the 3rd respondent herein and they decided to get married also. However, the 3rd respondent who is the father of the detenue illegally detained her. Therefore, he has filed this petition.

3. Both the petitioner as well as the alleged detenue were present through video conferencing before this Court in the last hearing and the girl was agreed to get married the petitioner. However, the father of the girl would submit that he has got two other daughters and it is not possible either to celebrate the marriage of his first daughter or to get her engaged at this age itself. Therefore, the matter has been posted today.

4. When the matter is called today, the detenue appeared before this Court through Video-conferencing and informed that she wants to complete her degree course and thereafter, shall marry the petitioner. The father of the detenue also submitted that he cannot either celebrate the marriage or the engagement of his first daughter, who is the detenue and informed that the marriage can be conducted after completion of degree course, i.e after two years.

5. The petitioner's mother is also present through video conferencing. Though she would submit that the detenue can get married now and thereafter, she can be allowed to complete the degree course, in view of the stand taken by the alleged detenue and her parents, the same cannot be accepted by this Court.

6. It is evident that the detenue is not in illegal custody. However, it is evident that Niranjana Devi/the alleged detenue is in fond of the petitioner and they have been talking over phone for some time and she expressed her willingness to get married the petitioner after two years, on completion of her degree course. The said statement is recorded.

7. In view of the above, this petition is closed.

Sd/-

Assistant Registrar (Co)

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Sub Assistant Registrar

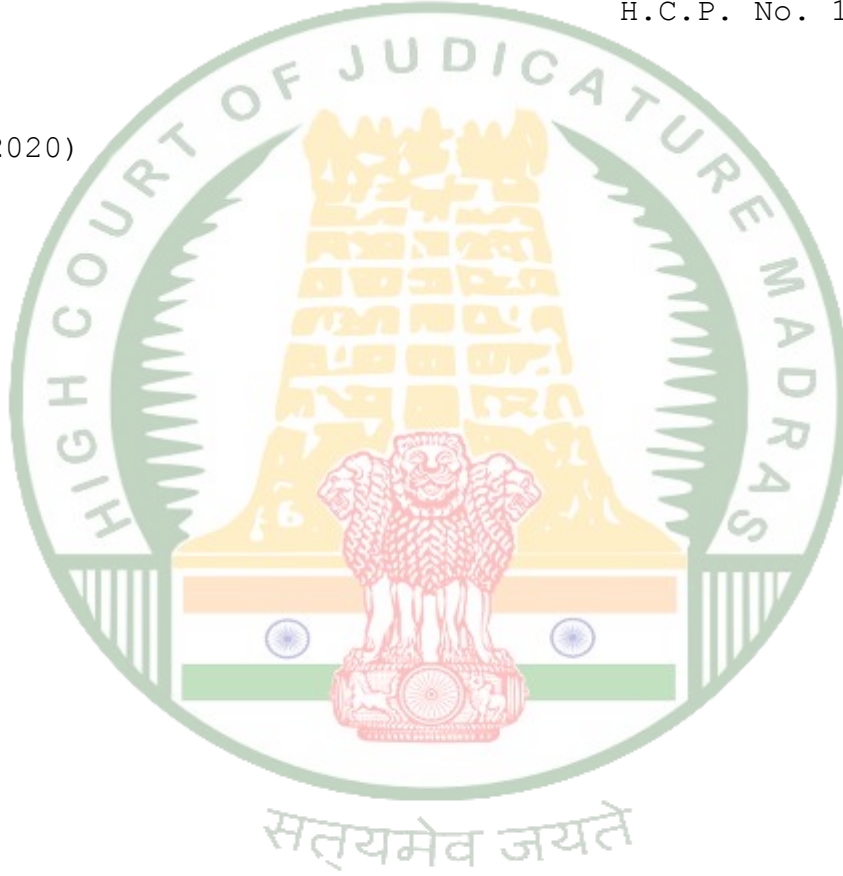
gsa

To

- 1.The Superintendent of Police,
Vellore, Vellore District.
- 2.The Inspector of Police,
Karaikudi North Police Station,
Sivaganga District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P. No. 1217 of 2020

VS (CO)
GN(23/09/2020)



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