

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.NO.1562 OF 2020

Omjasvin M.D.

... Petitioner

Vs

1. The Inspector of Police,
Sathuvachari Police Station,
Vellore - 632 009.

2. The Superintendent of Police,
Vellore District,
District Police Office Building,
1st Floor, Sathuvacheri,
Vellore - 632009.

3. Sundar Raman.

4. Uma Sundar

... Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the first respondent to secure the detainee Anusha Sundar aged 25 years and produce her before this Court and set her at liberty.

For Petitioner : Mrs.Sudha Ramalingam.

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

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O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Technology has helped the petitioner to trace out his girl friend and made her as his wife. This is a classic case of justice delivery system at door steps. Mrs.Sudha Ramalingam,

learned Counsel for the Petitioner mentioned the matter on 04.09.2020 stating that a case has been registered and in spite of best efforts, it cannot be numbered. Therefore, she sought for urgent orders in the said case and hence, the matter has been brought before this Court on the same day.

3.The learned Counsel for the Petitioner submitted that the petitioner's girl friend has been detained illegally by her parents viz., the third and fourth respondents herein and they are refusing to allow the petitioner to meet her and hence, this Petition has been filed. Therefore, this Court at the SR stage itself, directed the local police to go to the detenue's residence and find as to whether she has been illegally detained by the third and fourth respondents.

4.When the learned Additional Public Prosecutor submitted that according to the police, the parents of the detenue have already shifted their residence, the learned Counsel for the Petitioner submitted that the petitioner, himself, was present on the spot and he found the house in which the detenue has been detained. She submitted that the third and fourth respondents made arrangements to detain the detenue in the place which is three houses away from the detenue's residence. Thereafter, this Court has directed the police to take the help of the petitioner and reach the detenue and then, the police was able to reach the detenue. The third and fourth respondents were very resistant and they have not allowed the petitioner to interact with the detenue. However, with the help of the police, the petitioner was able to reach the detenue and the following order was passed on 04.09.2020 in H.C.P.No.SR24085 of 2020 allowing the detenue viz., Anusha Sundar to go with the petitioner:

"The matter is heard through "Video Conferencing".

2. The matter has been mentioned saying that the petitioner apprehends that his girl friend viz., Anusha Sundar, aged 25 years, has been detained illegally by her parents who are the respondents 3 and 4, in Vellore. Therefore, this petition has been filed. However, there is a delay in getting the same numbered. In view of the urgency, this Court directed Mrs.M.Prabhavathi, learned Additional Public Prosecutor to contact the Inspector of Police, Sathuvachari Police Station to go to the residence of Anusha Sundar to see whether the girl has been detained. The petitioner was also present near the residence and he pointed out where the girl was allegedly detained. The Police went to the residence,

however, it is stated that they got some resistance from the parents. After convincing them, both the parents and girl came out. This Court verified with the boy and girl who declared that they are in love with each other. The girl specifically stated that she has been detained in her house against her wishes and she wants to go with the petitioner.

3. The parents as usual are emotional as the girl happens to be their only daughter. Mr.Sundar Raman, father of the detainee as well as his wife Mrs.Uma Sundar spoke emotionally. Since they expressed their apprehension about the conduct of the petitioner as well as the daughter in delaying the marriage, this Court questioned both of them. As expressed by their parents, both of them said that they will get married only in the year 2022. This Court pointed out that the parents are justified in opposing the marriage as they apprehend that the future of their daughter would be affected in case if some thing happens in the interregnum and if the boy or girl refuses to get married.

4. Understanding the justification, again this Court questioned the petitioner and the alleged detainee Anusha Sundar, for which they changed their mind and informed the Court that they will soon get married. However, the detainee categorically stated that she does not want to be in the residence of the parents and as she is a major, she wants to go with the petitioner. When she is a major and she alleges that she is being confined by her parents against her wishes and expressed very decisively that she wants to go with the petitioner, with no other option, this Court directed the Police to allow the detainee to go alongwith the petitioner.

5. The parents of Anusha Sundar would categorically state that if she wants to leave the house, she can do it at her own risk and she should not claim any property and that she is not their legal heir at all and henceforth, there is no relationship between them and their daughter Anusha Sundar. It is only an emotional outburst for the present, as we can understand from the statement made by them. In any event, they want a declaration from their daughter viz., Anusha Sundar, which cannot be done. However, this Court records the above statements which they have made.

6. Registry is directed to number the petition and list the same on 08.09.2020. The petitioner as well as the detinue Anusha Sundar shall appear before this Court through Video Conference on the said date. The respondent Police shall be present through Video Conference, if possible, after ascertaining the convenience of the parents of Anusha Sundar and they also can be connected. In case, if there is any resistance from the parents of the detinue, the Police need not insist for the same.

Call the matter on 08.09.2020."

5. When the matter is called today, the learned Counsel for the Petitioner submitted that the petitioner and the detinue got married on 06.09.2020 in the presence of the petitioner's father, relatives and friends. In spite of best efforts, the third and fourth respondents viz., the parents of the detinue had not come to the marriage and the third and fourth respondents were also not present today before this Court through Video Conference. The petitioner and his wife viz., Mrs. Anusha Sundar appeared before this Court through Video Conference very happily and they submitted that they got married on 06.09.2020 and registered their marriage at Sub-Registrar Office, Royapuram (North), Chennai and the learned Counsel for the petitioner has also confirmed the same.

6. In view of the above happy marriage, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (CS VII)

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Sub Assistant Registrar

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To

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Sathuvachari Police Station,
Vellore - 632 009.
2. The Superintendent of Police,
Vellore District,
District Police Office Building,
1st Floor, Sathuvacheri,
Vellore - 632009.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.1562 of 2020

KS (CO)
CS/10/11/2020



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