

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM :

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

H.C.P.No.1609 of 2020

P.Balasubramanian

...Petitioner

Vs

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

2. The Inspector of Police,
Chithode Police Station,
Erode District.

3. P.Sathishkumar

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the respondents 1 and 2 herein to secure the body of the detenu B.Monisha, aged 26 years from the illegal custody of the 3rd respondent and produce her before this Court for the entrustment of the lawful custody to her father/petitioner herein or to set her at liberty.

For Petitioner : Mr.Suganthan for Mr.N.Manokaran

For Respondent : Mr.T.ShunmugaRajeswaran, Government
Advocate for R1 and R2.

O R D E R

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

The matter was heard through "Video Conference".

2.The Petitioner has filed this petition stating that his daughter viz., B.Monisha, B.Com., degree holder is found to be missing from 03.09.2020 and the third respondent would have abducted his daughter which compelled him to give a complaint to the respondent police on 30.09.2020. Since no action has been taken, the present petition has been filed.

3. When the matter was called on 17.09.2020, though it is stated in the complaint that the third respondent has abducted the detinue, the alleged detinue and the third respondent appeared before this Court through Video Conference and the detinue categorically stated that she went with the third respondent on her own volition and got married to him on 04.09.2020 in Murugan Temple at Anthiyur. However, the marriage has not been registered. Further, third respondent and the detinue assured that they will get the marriage registered within this week or next week and subsequently, the matter is posted today for the appearance of the petitioner.

4. When the matter is called today, the petitioner and his wife appeared before this Court through Video Conference and they categorically stated that they do not recognise the marriage of their daughter even though the third respondent married the petitioner's daughter. This Court is able to understand the frustration of the parents about the marriage of their daughter which has been conducted against their wishes.

5. The detinue and the third respondent have also appeared through Video Conference and submitted that they have applied for registration of their marriage through online and so far, registration number has not been given. As soon as the marriage got registered, the copy of the same will be sent to the petitioner. From the above it is clear that the detinue who is aged about 26 years is a major and is a B.Com graduate and on her own volition, she got married to the third respondent and she is living with her husband and it is seen that the said marriage is accepted by the parents of the third respondent. In view of the above, there is no illegal custody or abduction of the detinue by the third respondent.

6. Recording the same, this Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

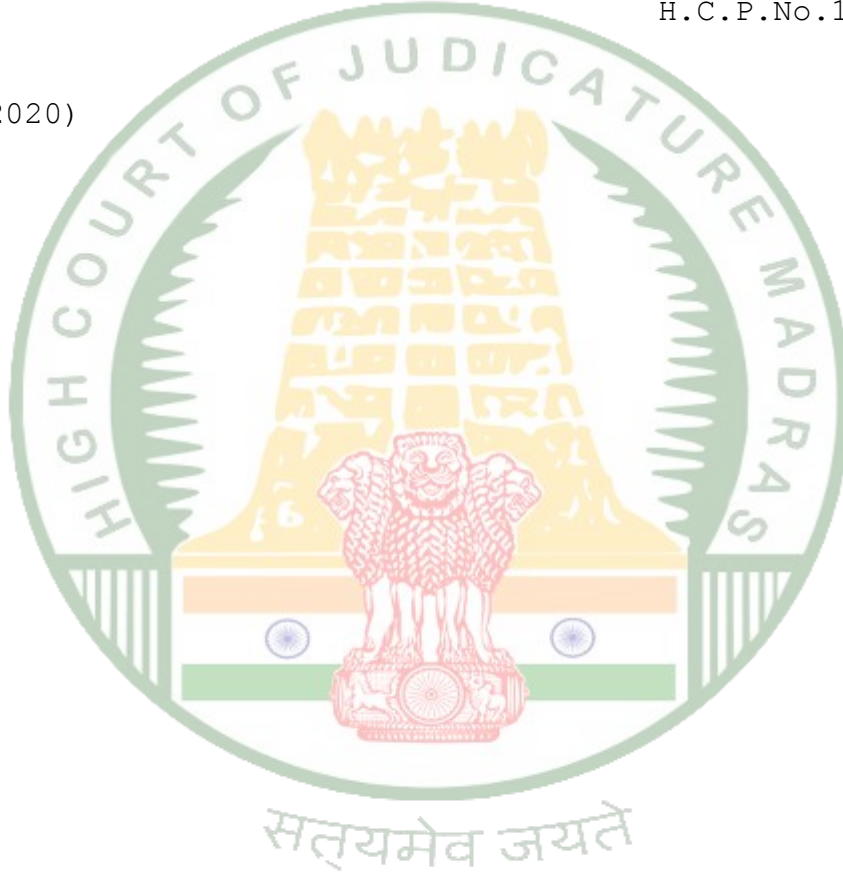
2.The Inspector of Police,
Chithode Police Station,
Erode District.

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

+1cc to Mr.N.Manokaran, Advocate in SR.NO..31346

H.C.P.No.1609 of 2020

VG-II(CO)
RV(13/10/2020)



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