

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.10.2020
CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.1822 OF 2020

S.Swamynathan

... Petitioner

-vs-

1. The Superintendent of Police,
Kallakurichi, Kallakurichi District.
 2. The Deputy Superintendent of Police,
Kallakurichi, Kallakurichi District.
 3. The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District - 606 206.
 4. A.Prabhu
 5. Ayyappan
- Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing respondents 1 and 2 to produce the person and body of the petitioner's daughter S.Sowndharya, female, aged about 18 years, D/o.Swamynathan before this Court and set her at liberty.

For Petitioner : Mr.B.Shakthivel

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor
: for R1 to R3
Mr.Bala Vijayan
for R4 and R5

ORDER
[Order of the Court was made by M.M.SUNDRESH, J.]

Petitioner is the father of the detainee. Alleging that the detainee is in the illegal custody of the fourth respondent, the present habeas corpus petition has been filed.

2.Upon mention having been made by the learned counsel

appearing for the petitioner that despite direction granted by this Court, the matter has not been posed, we directed the Registry to post the case today (09.10.2020). Incidentally, we directed the learned Additional Public Prosecutor to secure the presence of the detainee. Learned counsel appearing for the petitioner also agreed to ensure the presence of the petitioner before this Court.

3.Today, both the petitioner and the detainee are present. Both of them accepted the fact that the detainee is a major and she has also married the fourth respondent. It appears that the marriage was conducted on 05.10.2020 without the consent of the petitioner. Under those circumstances, we made the petitioner to have a talk with the detainee. The suggestion made by us was agreed by both of them. Accordingly, they had one to one talk for about half an hour.

4.Inasmuch the detainee has voluntarily married the fourth respondent as stated by her before us, which factum is also not disputed by the petitioner in his statement, we do not find any reason to allow this petition as there is no illegal detention involved. The grievance of the petitioner is that of a doting father over a protective daughter who has taken a decision on her own ignoring the advice of the family. Now, we find that at least the petitioner and the detainee are back to the talking terms. Thus, while holding that there is no illegal detention involved, we hope and trust that the mistrust would not be in existence any longer in future and better sense would prevail.

5.Learned counsel appearing for the petitioner submitted that the pending complaint made against the petitioner may be closed. Learned Additional Public Prosecutor does not have serious objection for the same. Even on merit, we find that the complaint requires to be closed as it is nothing but an expression of emotion on the part of the father over the marriage of the daughter, who is studying, without his consent.

6.Accordingly, the habeas corpus petition stands closed. The submission made by the learned Additional Public Prosecutor that the petitioner will not be called for any enquiry in future stands recorded. In view of the above, the complaint said to have been registered against the petitioner is also directed to be closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

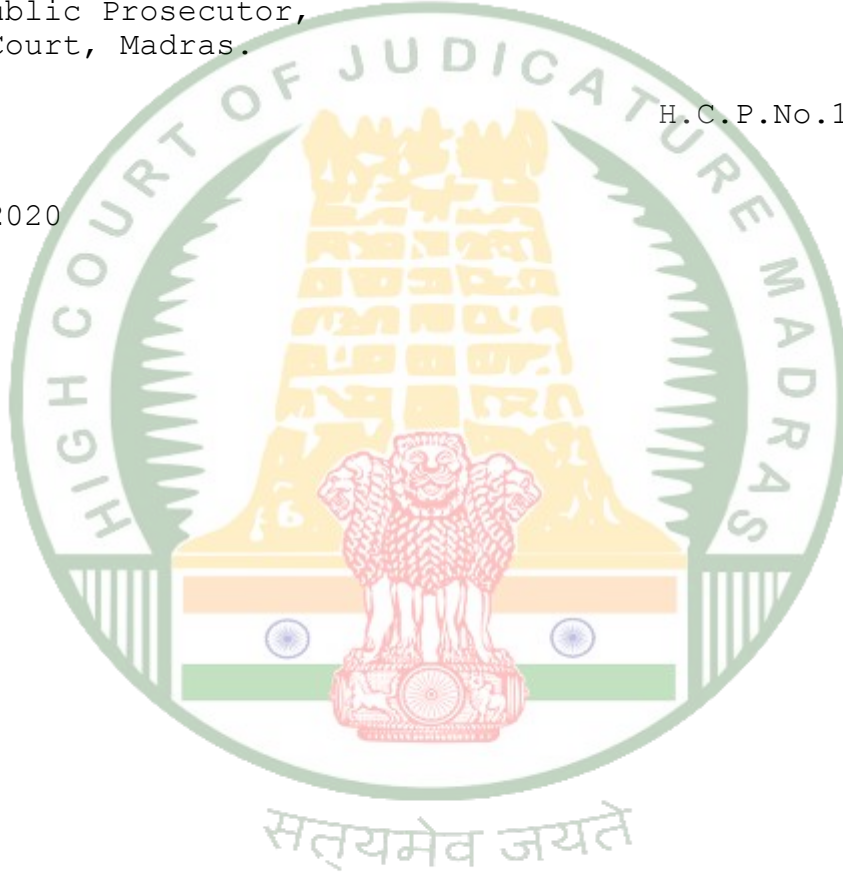
mmi/ssm

To

1. The Superintendent of Police,
Kallakurichi, Kallakurichi District.
2. The Deputy Superintendent of Police,
Kallakurichi, Kallakurichi District.
3. The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District - 606 206.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1822 of 2020

MG (CO)
CS/10/11/2020



WEB COPY