



WEB COPY

H.C.P.(MD) No.842 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.842 of 2020

Nagarajan : Petitioner/Father of the detenue

-vs-

1. The State
rep.by the Superintendent of Police,
Tenkasi District.

2. The Inspector of Police,
Kutrallam Police Station,
Tenkasi.

3.Esaki Prabu : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents herein to produce the person or body of the petitioner's daughter namely Madhumitha, daughter of Nagarajan aged about 19 years and set her at liberty.

For Petitioner : Mr.T.Sugadev

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor for R1 & R2

Mr.N.Syed Ali for R3

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to produce his daughter, namely, Madhumitha, aged 19 years before this Court and set her at liberty.

2. When the matter is taken up for hearing, the petitioner - Nagarajan, the detenue - Madhumitha and the third respondent - Esaki Prabu appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detenue would state that on her own volition, she left her parents and married the third respondent on 26.08.2020 in Vinayagar Temple at Papanasam and they are living together happily and not willing to go with her father / petitioner herein.



3. At this juncture, the learned counsel for the petitioner submitted that the third respondent is younger than the detinue and even if there is any marriage performed between them, it is only invalid marriage.

4. In view of the above statement of the detinue, nothing survives for consideration in this habeas corpus petition and the same is therefore dismissed. As far as the validity of the marriage is concerned, it cannot be decided in a habeas corpus petition filed under Article 226 of the Constitution of India and it is open to the petitioner to challenge the same in the manner known to law.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

krk

To:

1. The Superintendent of Police,
Tenkasi District.
2. The Inspector of Police,
Kutrallam Police Station,
Tenkasi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.842 of 2020
09.11.2020

SSS(CO)
CS(27.11.2020) 2P 4C