

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and

The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No.318 of 2021

M.Palanisamy

..Petitioner/father of the detenue

Vs.

1.The Deputy Superintendent of Police,
Chengam, Thiruvannamali District.

2.The Inspector of Police,
Chengam Police Station,
Chengam Taluk,
Thiruvannamali District.

3.V.Kathiravan ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents herein to produce the detenue, Vidhya Shivanathi (aged 19 years), before this Court and set her at liberty.

For Petitioner .. Mr.C.Arul Murugan

For Respondents .. Mr.R.Prathap Kumar
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

The present habeas corpus petition has been filed seeking to secure the detenue, Vidhya Shivanathi (aged 19 years) and produce her before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Vidhya Shivanathi is in illegal detention of the 3rd respondent and the police are not taking effective steps to secure her.

3. Today, Mr.G.M.Selvan, Special Sub-Inspector of Police is present. The petitioner, his wife, the 3rd respondent and Vidhya Shivanathi are also present.

4. When we enquired Vidhya Shivanathi, she stated that her date of birth is 28.01.2001 and she, on her own, had volition gone with the 3rd respondent and got married with him. She further stated that she is in the family way. She also stated that some mis-understanding arose between her husband and her, and therefore, she requested her parents to come and take her back; now, the issues have been resolved and that she wants to go with her husband.

5. Since Vidhya Shivanathi is not a minor and that she has, on her own volition, gone with the 3rd respondent and got married to him, it cannot be stated that she is in illegal custody of the 3rd respondent.

6. Recording the same, this Habeas Corpus Petition is closed.

7. We place on record our appreciation to the 2nd respondent for co-ordinating with the police of Krishnagiri District and ensuring the presence of the 3rd respondent and Vidhya Shivanathi before this Court today.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Chengam, Thiruvannamali District.

2.The Inspector of Police,
Chengam Police Station,
Chengam Taluk,
Thiruvannamali District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.G.Arul Murugan Advocate sr11769

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