

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.608 of 2021

Sampath .. Petitioner/Father of Detenue
Vs.

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

2.The Deputy Superintendent of Police,
Mamallapuram Sub-Division,
Chengalpattu District.

3.The Inspector of Police,
Kayar Police Station,
Chengalpattu District.

4.Gokul ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents herein to produce the body or person of the detenue by name Vinothini, daughter of Sampath, aged about 20 years, before this Court and set her at liberty.

For Petitioner : Mr.S.Sasikumar

For RR 1 to 3 : Mr.R.Prathap Kumar
Additional Public Prosecutor

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

This habeas corpus petition has been filed seeking to direct the respondents herein to produce the body or person of the detenue by name Vinothini, daughter of Sampath, aged about 20 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter

Vinothini, aged about 20 years, went missing from 02.04.2021 and that the police are not taking effective steps to secure her.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner a petition enquiry in C.S.R.No.51 of 2021 was conducted by the Inspector of Police, Kayar Police Station and during the course of enquiry, it came to light that Vinothini was in love with one Gokul, fourth respondent herein and got married to him. Both Vinothini and the petitioner appeared before the police on 02.04.2021 and C.S.R.No.51 of 2021 was closed.

4. It is the grievance of the petitioner that Gokul, fourth respondent herein, is hardly 20 years and so, the marriage cannot be valid.

5. In the opinion of this Court, the validity of the marriage cannot be gone into in the habeas corpus petition, where, the scope of enquiry is to find out as to whether the detainee is in legal or illegal custody.

6. We do not find that Vinothini, aged about 20 years, is in the illegal custody of anyone for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition stands closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Nsd

To

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

2.The Deputy Superintendent of Police,
Mamallapuram Sub-Division,
Chengalpattu District.

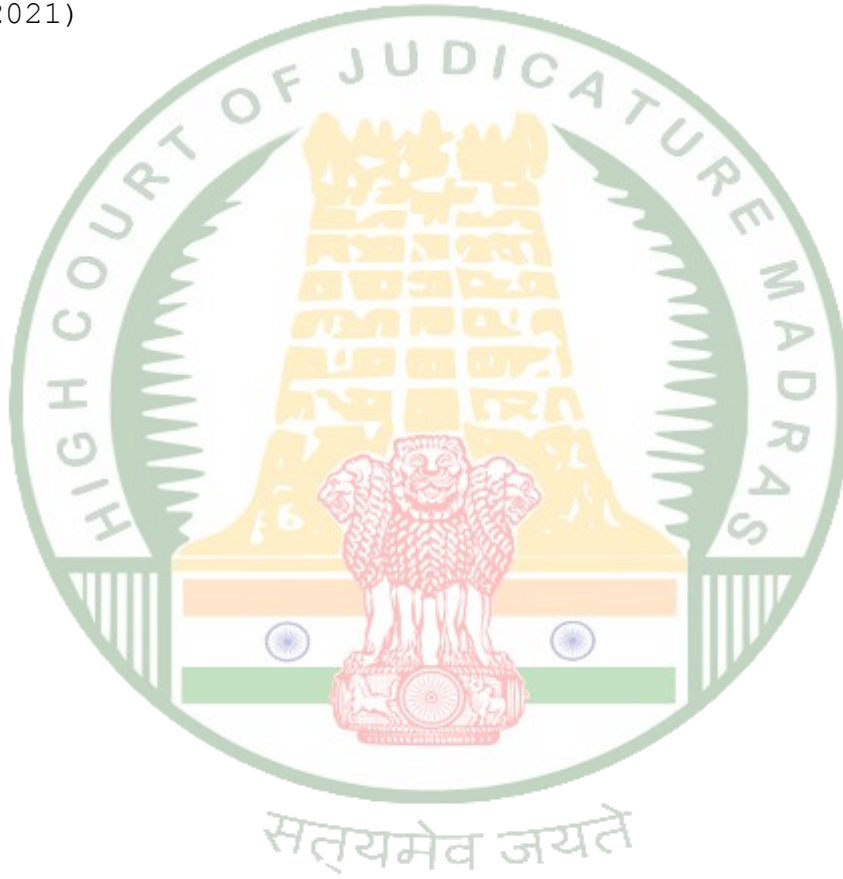
3.The Inspector of Police,
Kayar Police Station,
Chengalpattu District.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.S.Sasikumar, Advocate, S.R.No. 24156

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SSN(CO)
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