



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

Coram

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.907 of 2021

A.Nazir

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur, Kancheepuram District.

3.Nijanthan

4.Moorthy

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to direct the 2nd respondent to produce the petitioner's daughter namely N.Shakira D/o A.Nazir aged about 18 years before this Hon'ble Court from the illegal custody of the respondents 3 & 4 and set her at liberty.

For Petitioner : Mr.M.Raja

For Respondents: Mr.R.Muniyapparaj,

Government Advocate (Criminal Side)

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner, who is the father of one Shakira, aged about 18 years, has filed the above Habeas Corpus Petition to direct the 2nd respondent to produce her before this Court.

2.The 2nd respondent, the Inspector of Police, Uthiramerur Police Station appeared through Virtual Mode along with the said Shakira.



3.We enquired with the said girl and she has stated that she is 18 years old and her date of birth is 09.04.2003. she has also stated that she married the 3rd respondent, Nijanthan on 28.05.2021 at Elachery, Tiruvannamalai District. Further, she has stated that she is willing to live only with the 3rd respondent and she does not want to go along with her father, the petitioner herein.

4.Since the detinue is a major, having attained majority on 09.04.2021 itself, this Court cannot give the custody of the girl to the petitioner, the father, against her wish. Therefore, it is open to her to live with the 3rd respondent, who is said to be her husband.

5.The learned counsel appearing for the petitioner submitted that the petitioner may be given an opportunity to talk with his daughter.

6.If the petitioner wants to have a talk with the girl, it is open to him to approach her and have a talk, provided she agrees for the same.

7.With these observations, the Habeas Corpus Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram District, Kancheepuram.
 - 2.The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur, Kancheepuram District.
 - 3.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.M. Raja, Advocate sr 27669.

H.C.P.No.907 of 2021

KV(CO)
SP(05/07/2021)