



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.No.1142 of 2021

R.Gopinath
S/o.Ravi

... Petitioner

Vs

1. The Superintendent of Police,
Office of District Superintendent of Police,
Arani Taluk,
Tiruvannamalai District.
2. The Deputy Superintendent of Police,
Office of District Superintendent of Police,
Arni Taluk,
Tiruvannamalai District.
3. The Sub-Inspector of Police,
Santhavasal Police Station,
Polur Taluk,
Tiruvannamalai District.

4. Sumithra
W/o.Late Anandhan

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the third respondent to secure and produce petitioner's wife Deepa, aged about 20 years, before this Court from the illegal custody of fourth respondent and set her at liberty.

For Petitioner : Mr.D.Thirumoorthy

For Respondents : Mr.R.Muniyapparaj
Government Advocate [Cr1.side]
[R1 to R3]



O R D E R

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

This petition has been filed seeking a direction to the third respondent to secure and produce petitioner's wife Deepa, aged about 20 years, before this Court from the illegal custody of fourth respondent and set her at liberty.

2. It is the case of the petitioner that he was in love with Deepa, the daughter of fourth respondent and got married to her on 15.07.2021 at Arulmigu Varadharaja Perumal Temple, Periyakottaikarai, Polur Taluk, Tiruvannamalai District and after marriage, both of them lived in their respective parental home without disclosing the same to anyone. While so, it is the case of the petitioner that the fourth respondent is not agreeing to accept the marriage of the petitioner with Deepa and that she is keeping Deepa in confinement. Hence, the petitioner has filed the present petition.

3. On 29.07.2021, we passed the following order:

'It is the case of the petitioner that she got married to Deepa on 15.07.2021 against the wishes of her parents and that she is in the illegal custody of her mother, who is the fourth respondent.

2. Today, Deepa was produced via Video Conferencing from Santhavasal Police Station, Tiruvannamalai District.

3. When we enquired Deepa, she was in tears. Therefore, we are of the view that it will serve the interests of justice, if she will be directed to be produced before us in person.

4. Accordingly, the third respondent is directed to produce Deepa before us on 03.08.2021. The petitioner shall also be present.

Post on 03.08.2021.'

4. Pursuant to the above order, Mr.G.Narayanan, Sub-Inspector of Police, Santhavasal Police Station, Tiruvannamalai District and Ms.R.Muthulakshmi, Grade-I Police Constable (1499), All Women Police Station, Arni, Tiruvannamalai District, produced Deepa and the fourth respondent. The petitioner is also present.

5. When we enquired Deepa, she stated that her date of birth is 04.12.2000 and that she is 20 years old. She further stated that she wants to go with the petitioner with whom she already



got married.

6. Since Deepa is not a minor, we cannot force her to be with the fourth respondent. Therefore, she is set at liberty to chalk out her own life.

Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CO-IV)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Superintendent of Police,
Office of District Superintendent of Police,
Arani Taluk,
Tiruvannamalai District.
2. The Deputy Superintendent of Police,
Office of District Superintendent of Police,
Arni Taluk,
Tiruvannamalai District.
3. The Sub-Inspector of Police,
Santhavasal Police Station,
Polur Taluk,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1142 of 2021

LN(CO)
CT(23/08/2021)