

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

Coram

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

H.C.P. No. 2198 of 2020

Baby

.. Petitioner

Vs.

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

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.Ilayakumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the 2nd respondent to produce the body or person of the petitioner's daughter, namely, Hemamitra, aged about 18 years, before this Court and set her at liberty forthwith.

For Petitioner : Ms.V.Revathi

For Respondents: Mr.R.Prathap Kumar,
Addl. Public Prosecutor for R1 & R2
R3 - No appearance

ORDER

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

Seeking a direction the second respondent to produce the body or person of the petitioner's daughter, namely, Hemamitra, aged about 18 years, before this Court and to set her at liberty forthwith, the present habeas corpus petition has been filed.

2.It is the case of the petitioner that her daughter Hemamitra, aged about 18 years has eloped with the third respondent and despite the complaint given in CSR No.253 of 2020, the police have not taken any effective steps to secure them.

3.Today Mr.M.Samiappan, Special Sub Inspector of Police, Mecheri Police Station, Salem District is present. The petitioner, the detinue and the third respondent are also present.

4.When this Court enquired Hemamitra, she stated that her date of birth is 02.10.2002 and that she got married to Ilayakumar on 25.10.2020. She further stated that she wants to go with her husband.

5.Since Hemamitra is not a minor, this Court cannot handover custody of her to the petitioner. She is also not in the illegal detention of the third respondent as she has voluntarily gone with him and got married to him.

6.In view of the above, this habeas corpus petition stands closed and the detinue - Hemamitra is set at liberty.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 2198 of 2020

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