

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. 2180 of 2020

M.Prakash

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Salem District, Salem.
- 2.The Inspector of Police,
Tholasampatty Police Station,
Salem.
- 3.Praveen Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to direct the second respondent to produce the body of the petitioner's daughter P.Nisha, aged about 19 years before this Court and to set her at liberty.

For Petitioner : Mr.M.Manimaran

For Respondents: Mr.R.Prathap Kumar,
Addl. Public Prosecutor for R1 & R2
Mr.L.Sriram & S.Shanmuga Priya
for M/s.Chennai Law Firm for R3

ORDER

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

Seeking a direction to the second respondent to produce the body of the petitioner's daughter P.Nisha, aged about 19 years before this Court and to set her at liberty, the present habeas corpus petition has been filed.

2.It is the case of the petitioner that his daughter Nisha, aged about 19 years had eloped with the third respondent on

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22.10.2020 and that the police had not taken any steps to secure her despite the complaint given in CSR No.52 of 2020.

3.Today, Mr.S.P.Suthakaran, Sub Inspector of Police, Tholasampatty Police Station, Salem District is present.

4.On instructions, learned Additional Public Prosecutor submitted that Nisha got married to Praveen Kumar (third respondent) on 26.10.2020 and the police secured her and produced her before the Judicial Magistrate, Omalur on 23.12.2020. Before the Magistrate, Nisha stated that she is not willing to go with her parents. Since she is 20 years old and not a minor, she was directed to be kept in Swadhar Gragh Home, Omalur.

5.Today, the petitioner, Nisha and Praveen Kumar are present. When enquired by this Court, Nisha stated that she is not willing to go with her parents and she wants to go with her husband viz., the third respondent. Since Nisha is aged about 20 years and not a minor, this Court cannot grant her custody to her parents. However, she is set at liberty to chalk out her own life and she is directed to be released from the Home.

This habeas corpus petition stands disposed of accordingly.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Tholasampatty Police Station,
Salem.

3.The Warden,
Women Welfare Home,
Swadhar Gragh Home,
Nehru Nagar, Omalur,
Salem District.

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4.The Public Prosecutor,
High Court, Madras.

+2cc to M/s.Chennai Law Firm, Advocate SR.1084

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