



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE S.SRIMATHY

H.C.P.No.1654 of 2021

Kishore Pokar
S/o.Valji Pokar

.. Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Salem City, Sankari Main Road,
Salem - 636 006.

2.The Inspector of Police,
C-3 Kannagkurichi Police Station,
Salem - 636 008.

3.Madankumar
S/o.Parvathy

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to produce the person or body of Ms.Divya Patel D/o.Kishore Pokar, aged 18 years, who is under the illegal custody of third respondent before this Court and set her at liberty.

For Petitioner : Mr.Adinarayana Rao

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor[R1 & R2]

ORDER

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

This petition has been filed seeking a direction to the second respondent to produce the detainee Divya Patel, aged 18 years, who is under the illegal custody of third respondent before this Court and set her at liberty.



2. It is the case of the petitioner that his daughter Divya Patel went missing since 30.06.2021 and that she is in the illegal custody of Madankumar (third respondent). It is the further grievance of the petitioner that the police are not taking effective steps to secure her.

3. Today, Ms.T.Monika, Sub-Inspector of Police, C-3 Kannankurichi Police Station, Salem, is present and produced Divya Patel and Madankumar before us. The petitioner and his wife are also present with their counsel.

4. When enquired by us, Divya Patel stated that her date of birth is 22.06.2003 and that she fell in love with the third respondent and got married to him on 01.07.2021 and that she is in the family way. She further stated that since her parents are not agreeable for the marriage, she left home and got married to the third respondent. She also stated that she is not willing to go with her parents and wants to live peacefully with the third respondent. However, we permitted her to speak to her parents in the Court for half an hour, which they did.

5. In the aforesaid circumstances, we find that the detainee Divya Patel is not in the illegal custody of anybody warranting issuance of Writ of Habeas Corpus.

Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Salem City, Sankari Main Road,
Salem - 636 006.

2.The Inspector of Police,
C-3 Kannagkurichi Police Station,
Salem - 636 008.

3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1654 of 2021

GJ(CO)
SB(23/11/2021)