



H.C.P.No.1763 of 2021

H.C.P.No.1763 of 2021

WEB CO

P.N.PRAKASH, J.

and

R.HEMALATHA, J.

(Made by *P.N.PRAKASH, J.*)

On 02.11.2021, we passed the following order:

“This habeas corpus petition has been filed seeking to direct the 2nd respondent police to produce the body of the detenu Aruna, D/o.Annamalai, aged about 18 years, before this Court and set her at liberty.

2. *It is the case of the petitioner that his daughter Aruna, aged about 18 years, went missing from 09.10.2021 and that the police are not taking effective steps to secure her.*

3. *On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Kachirapalayam Police Station Crime No.613 of 2021 has been registered on 15.10.2021 for 'woman' missing and during the course of enquiry, Aruna appeared before the police and gave a statement that she has married one Vishwa and also submitted some photographs.*



H.C.P.No.1763 of 2021

Recording the same, this habeas corpus petition stands closed. However, we direct the second respondent/police to secure Aruna. As and when the detenue Aruna, aged about 18 years, is secured, she shall be produced before the Judicial Magistrate Court No.I, Kallakurichi, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.”

2. On 09.11.2021, Mr.Elavarasan, Advocate (Enrollment No.569/2002) made a special mention before us stating that Aruna and Vishwa had got married and they are scared to appear before the Judicial Magistrate Court No.I, Kallakurichi, since it is a intercaste marriage, in that, Aruna belongs to Vanniya community and Vishwa belongs to Dalit community and there could be honour killing. Therefore, he requested this Court to list the matter today for the appearance of the couple before us.

3. Accordingly, we directed the Registry to post the matter today.

4. Today, the parents of Aruna are present with their counsel. Aruna and Vishwa are also present along with their counsel.



H.C.P.No.1763 of 2021

5. When enquired by us, Aruna stated that her date of birth is 17.01.2003 and she is nineteen years old. She further stated that she is doing her II year B.C.A. in Sri Kailash Women's College, Thalaivasal. Further, she stated that she had fallen in love with Vishwa and got married to him on 08.10.2021.

6. At the request of the learned counsel for the petitioner, we permitted the parents of Aruna to speak to her in the open Court. When we enquired her, she clearly stated that she would only go with her husband Vishwa and not with her parents. Since Aruna is not a minor and above eighteen years of age, we cannot force her to go with anyone. Hence, Aruna is set at liberty to chalk out her own life.

In view of the above, no further orders are required to be passed.

(P.N.P.,J.) (R.H.,J.)
10.11.2021

nsd



WEB COPY



H.C.P.No.1763 of 2021

P.N.PRAKASH,J.
and
R.HEMALATHA,J.
nsd

H.C.P.No.1763 of 2021

10.11.2021