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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.1853 of 2021

D. Shanjai ... Petitioner

Vs.

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

2. The Inspector of Police
Puliyampatti Police Station,
Erode District.

3. The Inspector of Police,
Modakurici Police Station
Erode District.

4. Sivasubramaniam ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the respondents 1 to 3 to produce the body of the detainee/namely, Dharani, aged 22 years, daughter of Sivasubramaniam and set her at liberty before this Honourable Court.

For Petitioner : Mr.M. Guruprasad
For Respondents : Mr.R. Muniyapparaj,
Additional Public Prosecutor

O R D E R

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

It is the case of the petitioner that he and the detainee Dharani were in love with each other and though they belong to the same community, Dharani's parents were not agreeable for her marriage with the petitioner and therefore, they are keeping her in illegal confinement. Hence, he has filed this Habeas Corpus Petition.



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2. Normally, we would not entertain such Habeas Corpus Petitions unless satisfactory materials are placed before us. In this case, we directed production of the detainee Dharani via video conferencing and accordingly, on 30.11.2021, she was produced via video conferencing before us. On 30.11.2021, we passed the following order.

"The detainee Dharani appeared before us via video conferencing from Sivagiri Police Station.

2. When we enquired the detainee, she stated that she is in love with the petitioner and wants to go with him.

3. The Special Sub-Inspector of Police, Sivagiri Police Station, is directed to produce the detainee before this Court on 01.12.2021. The petitioner shall also be present."

3. Today, Mr. K. Murugan, Inspector of Police, Kodumudi Police Station, Erode District, Sivagiri Police Station (Circle), is present and produced the detainee Dharani before us. The petitioner is also present.

4. When enquired by us, Dharani stated that her date of birth is 22.10.1999 and that she wants to go with the petitioner.

5. The learned counsel for the petitioner also submitted that the marriage of the petitioner with Dharani has been fixed on 02.12.2021 in Irumborai Arulmigu Kailasanathar Thirukovil, Puliampatti, Erode District.

6. Since the detainee Dharani is not a minor and that she now wants to go with the petitioner, she is set at liberty to chalk out her life.

In view of the above, this Habeas Corpus petition stands allowed.

bga

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



To

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

2. The Inspector of Police
Puliyampatti Police Station,
Erode District.

3. The Inspector of Police,
Modakurici Police Station
Erode District.

4. The Inspector of Police,
Kodumudi Police Station, Erode District,

5. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M. Guruprasad, Advocate Sr.NO. 3194

H.C.P.No.1853 of 2021

ksm(CO)

A.SK(09.12.2021)