



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.325 of 2021

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Karuppaiah

... Petitioner/Father of detenu

-vs-

1.The State by the Superintendent of Police
Sivagangai District, Sivagangai

2.The State by Inspector of Police
Kandavarayanpatti Police Station
Sivagangai District

3.Suryapandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents herein to produce the body or person of the petitioner's daughter namely Ananthi, daughter of Karuppiyah, aged about 22 years, before this Court and set her at liberty.

For Petitioner : Mr.Krishnan.A.S.

For Respondents : Mr.K.Dinesh Babu

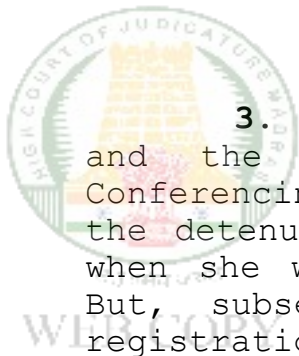
Additional Public Prosecutor for R1 & R2

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to produce his daughter, namely, Ananthi, aged about 22 years, before this Court and set her at liberty.

2. The petitioner would state that he is working as coolie and he is blessed with two children. The detenu is now studying M.A.(English) at Madurai Kamarajar University and her son is studying in a School. The petitioner would further state that originally, the detenu was staying in a Hostel, but due to COVID-19 pandemic, now she is staying with him, however, she was found missing from 15.02.2021. Hence, he lodged a complaint with the second respondent - Police, but, till date no action was taken to secure the detenu and hence, this habeas corpus petition.



3. When the matter is taken up for hearing, the petitioner and the detinue appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detinue would state that the third respondent is known to her when she was studying in a College and she went along with him. But, subsequently, she was forced to sign in the forms for registration of marriage. The detinue also stated that she was illegally detained by the third respondent.

4. Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would state that based on the complaint lodged by the petitioner, the second respondent has registered a case in Crime No.23 of 2021 against the third respondent and the investigation is going on.

5. The learned counsel for the petitioner would state that the third respondent, without the consent of the detinue, has printed invitation cards and registered the marriage without following the due procedures.

6. In the light of the above statement, the detinue is set at liberty and the habeas corpus petition is closed as no further orders are necessary. However, the detinue is given liberty to challenge the registration of her marriage with the third respondent in the manner known to law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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