



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD)No.1739 of 2021

WEB COPY

T.Augustin

... Petitioner /
Father of the Detenue

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Arumanai Police Station,
Arumanai,
Kanyakumari District.

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 herein to produce the body or person of detenue by name, Abisha, D/o Augustin, aged about 21 years and produce her before this Court and set her at liberty.

For Petitioner : Mr.K.Veilmuthu
For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The father of the missing girl approached this Court alleging that his daughter, Abisha, was missing from 10.11.2021. Her date of birth is 17.10.2001. It is further stated that a complaint has been lodged at 9.30 p.m., on 10.11.2021 and since his complaint to the police did not yield any result, he has approached this Court by way of habeas corpus petition to produce the girl.

2. Yesterday, when the matter was taken up for hearing, the learned Additional Public Prosecutor would submit that after the complaint, the respondent police has secured the girl and he has produced the girl before this Court. On enquiry, it was stated by the girl, who is major that she has married one Kumaresan and the marriage was performed in a temple. The learned Additional Public Prosecutor, would further submit that the boy is going to appear before this Court and started from Krishnagiri. Since it was



represented at 3.00 p.m., the matter was directed to be posted today.

3. Today, when the matter is taken up for hearing, the detenue girl, the parents of the girl and the boy appeared before this Court.

4. On enquiry, the boy stated that the marriage was performed in a temple and he show the photographs taken during the marriage performed between him and the daughter of the petitioner, through his mobile phone. Today, the parents of the girl expressed that there is no proof of their marriage and the life of the girl will be in danger. Both the boy and the girl stated that they forwarded the photographs to the parents of the girl after they got married.

5. In view of the said submission, this Habeas Corpus Petition is closed since there is no illegal custody of the girl, who is already major and said to have married the boy, Kumaresan.

6. The parents of the girl are expected to hand over the Aadhaar Card, School Certificates and Date of Birth certificate, if any, to the girl in order to get the marriage registered.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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,
Kanyakumari District,
Nagercoil.
- 2.The Inspector of Police,
Arumanai Police Station,
Arumanai,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-39883[F] dated 21/12/2021)

H.C.P. (MD)No.1739 of 2021

21.12.2021

SAR(CO)

GC(28.01.2022) 3P 5C