



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY  
AND  
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.NO.1116 OF 2022

N.Venkatesan

.. Petitioner

Vs

1. The Inspector of Police,  
Rishivanthiyam Police Station,  
Rishivanthiyam,  
Kallakurichi District.

2. Manikandan

3. K.Murugan

4. Sivaraj

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the first respondent to cause the production of the body or person of petitioner's daughter Kanimozhi, daughter of Venkatesan, aged 22 years, before this Court and set her at liberty.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.Babu Muthumeeran  
Additional Public Prosecutor  
for R1

ORDER

(Made by A.D.JAGADISH CHANDIRA, J.)

1. This habeas corpus petition has been filed by the petitioner / father of the detainee, seeking production of his daughter - Kanimozhi, aged 22 years, before this Court.



2. It is the case of the petitioner that his daughter - Kanimozhi has completed B.A. English Literature at Thatchur, Kallakurichi and that the second respondent abducted his daughter. It is his further case that the detinue could not be traced and therefore, he has given complaint to the first respondent on 31.05.2022 whereas the first respondent had given C.S.R. No. 181 of 2022. Since the first respondent is not able to secure the detinue, left with no other option, this petition has been filed.

3. When the matter is taken up for hearing today, learned Additional Public Prosecutor submitted that that the detinue is aged about 22 years. She is a major and she on her own volition gone along with the second respondent and they got married on 13.06.2022 at Chennai and the marriage was also registered under the Tamil Nadu Registration of Marriages Act, 2019 before the Sub-Registrar, Royapuram. Learned Additional Public Prosecutor further submitted that the detinue was initially secured and surrendered before the Gudiyatham Police Station on 17.06.2022 and thereafter, Gudiyatham Police further informed the first respondent police and the first respondent has in turn informed the petitioner about the marriage and that they have also appeared before the police whereas he refused to meet his daughter and only thereafter this petition has been filed.

4. Today, the detinue Kanimozhi and respondents 2 and 3 are present before this Court.

5. This Court inquired Kanimozhi and she informed that she is aged 21 years and completed B.A. English literature. She has stated that she was in love with the second respondent and that since her father / the petitioner had objected to the marriage, she voluntarily left the parental home and married the second respondent, who is presently residing at Delhi. It is her say that she is not in illegal detention and she is not willing to go along with her father and further that she is going to Delhi to live with the second respondent.

6. The second respondent / husband of the detinue and the third respondent / father of the 2nd respondent are also present before this Court. The second and the third respondents informed that they also belong to the same village and community and they have been maintaining friendship for quite a few years.

7. Learned counsel for the petitioner would seek that the petitioner may be permitted to see his daughter at least for one time. This Court, inquired the detinue and she expressed her unwillingness to meet his father. She stated that, at this



moment, she does not want to see her father and wants to go to Delhi with the second respondent.

8. After interacting with the detinue, her husband / the second respondent and her father-in-law / the third respondent, we are satisfied that the detinue is not in illegal detention.

9. In view of above, this habeas corpus petition stands closed.

Sd/-  
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

ssm/21

To

1. The Inspector of Police,  
Rishivanthiyam Police Station,  
Rishivanthiyam,  
Kallakurichi District.

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.M.Saravana Kumar, Advocate, S.R.No.37780

H.C.P.No.1116 of 2022

KK(CO)  
RLP(27/06/2022)