



HCP No. 1156 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2022

Coram

The Hon'ble Mr. Justice **S.VAIDYANATHAN**
and
The Hon'ble Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No. 1156 of 2022

Rangaraj

.. Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
O/o. Superintendent of Police,
Erode,
Erode District.

2.The Inspector of Police,
JRS Puram Police Station,
Erode District.

3.Sivakumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the 1st and 2nd respondent to produce the petitioners Minor Grand Daughter namely Nandhini who is aged about 17 years before this Honble Court for the custody of the 3rd respondent and handover to the petitioner.



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For Petitioner : Mr.R.Thirumoorthy
For R1 & R2 : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER

S.VAIDYANATHAN, J.,
and
A.D.JAGADISH CHANDIRA, J.,

This Habeas Corpus Petition has been filed by the grandfather seeking production of his minor grand daughter namely Nandhini, before this Court.

2. It is the case of the petitioner that his son Rangasamy was married to one Komaatha and out of wedlock, the detinue Nandhini was born. The daughter-in-law of the petitioner died 15 years back and thereafter the petitioner's son got mentally affected due to his wife's death. It is stated that the petitioner has educated his grand daughter and she had completed her 12th Standard successfully and was working as a part time teacher in Sujilkarai Government School under Illam Thedi Kalvi Scheme 2022. While so, on 08.06.2022, the petitioner's grand daughter was found missing and in respect of which a complaint was given to the second respondent and



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case in Cr. No.46 of 2022 was registered under the caption “Girl Missing”.

Thereafter, during the course of enquiry, it was found that the third respondent had kidnapped his grand daughter. Since the second respondent has not taken any action, the present petition has been filed.

3. Today, the victim girl is produced before this Court by the third respondent. The third respondent submitted that the alleged detainee and himself are neighbours and that they were friends for long years. He further submitted that since the petitioner had taken steps to get the detainee married against her wish, the detainee had come out of the house and joined him on 24.07.2022. He submitted after the detainee had attained majority, they have got married at Sri Malle Mahadeshwara Temple at Karnataka.

4. This Court enquired the detainee Nandhini, grand daughter of the petitioner. She would submit that she was born on 22.07.2004 and now she has attained majority. She would submit that her paternal grandfather, the petitioner herein, forced to marry someone against her choice and thereafter on her own volition, she had left the home and was staying with her friend



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for sometime and on 24.07.2022, she had joined the third respondent and married at Sri Malle Mahadeshwara Temple at Karnataka. She would submit that she is not illegal detention and had expressed her unwillingness to go along with the petitioner.

5. Mr. Senthil Kumar, the learned counsel for the third respondent would submit that though the marriage between the alleged detainee and the third respondent is not been registered, the third respondent is taking steps to register the marriage.

6. It is found that the alleged detainee has attained majority. Since the alleged detainee Nandhini, grand daughter of the petitioner submitted that she is not in illegal detention, we are of the view that there no further orders are necessary in this petition. In view of the same, the Habeas Corpus Petition stands closed.

(S.V.N.,J.) (A.D.J.C.,J.)
03.08.2022

Index: Yes/No

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To:



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1. The Superintendent of Police,
O/o. Superintendent of Police,
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Erode District.

2. The Inspector of Police,
JRS Puram Police Station,
Erode District.

3. The Public Prosecutor,
High Court, Madras.



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