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H.C.P.No.2009 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2009 of 2022

R.Mahendran

.. Petitioner

Vs

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

2.State represented by
The Inspector of Police,
Anthiyur Police Station,
Anthiyur, Erode District.

3.Mohanapriya

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the body of the detinue by name Gomathi, aged about 19 years, daughter of the petitioner herein, from the illegal custody of the third respondent before this Court and set her at liberty.



WEB COPY



H.C.P.No.2009 of 2022

For Petitioner : Mr.B.Mohan

For RR 1 and 2 : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

This habeas corpus petition has been filed by the petitioner seeking a direction to the second respondent to produce his daughter Gomathi, aged about 19 years, from the illegal custody of the third respondent before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Gomathi, aged about 19 years, went missing from 19.08.2022 and that she is in illegal custody of Mohanapriya, third respondent herein.

3. Today, L.Ramesh (Mobile No.94981 74844), Special Sub-Inspector of Police, Anthiyur Police Station, Erode District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that the family of the petitioner was living in Gettisamudram,



H.C.P.No.2009 of 2022

Anthiyur Taluk, Erode District; Gomathi is the daughter of the petitioner;

Gomathi appears to have developed friendship with Mohanapriya, third respondent, who is also from the same village; the parents of Gomathi made arrangements for getting her married to a person against her wish and betrothal was scheduled to be held on 08.09.2022; prior to that Gomathi left the house on 19.08.2022; on a complaint given by the petitioner, a case in Anthiyur Police Station Crime No.276 of 2022 was registered on 19.08.2022 for 'woman missing'; Gomathi was found in the company of Mohanapriya and was secured on 19.08.2022; however, when they were questioned in the police station, Gomathi clearly stated that she is in a live-in relationship with Mohanapriya and she is not under illegal detention of Mohanapriya; thereafter, their statements were recorded by the police and they were let off, as they were not minors; at the time of enquiry itself, the parents of Gomathi were present.

5. Now, the petitioner has filed the present habeas corpus petition alleging that Gomathi is in the illegal custody of Mohanapriya, third respondent.



H.C.P.No.2009 of 2022

WEB COPY

6. The learned Additional Public Prosecutor connected us with Gomathi and Mohanapriya through Whatsapp video call. Gomathi told us that her date of birth is 23.05.2004 and she has completed X standard. Mohanapriya stated that her date of birth is 12.05.2000. Both of them stated that they were in a live-in relationship for over fifty days and they have got married on 19.08.2022. They further stated that they have taken a house in Tiruppur and are happily living.

7. In such view of the matter, it cannot be stated that the petitioner's daughter Gomathi, aged about 19 years, is in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

In the result, this habeas corpus petition stands closed.

(P.N.P., J.) (TKRJ)
11.10.2022

Index: Yes/No
nsd



H.C.P.No.2009 of 2022

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- 1.The Superintendent of Police,
Erode,
Erode District.
- 2.The Inspector of Police,
Anthiyur Police Station,
Anthiyur, Erode District.
- 3.The Public Prosecutor,
High Court, Madras.



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