



HCP(MD)No.1869 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

HCP (MD).No.1869 of 2022

V.Karthikeyan

: Petitioner

Vs

1.The Superintendent of Police

Sivagangai District

Sivagangai

2.The Inspector of Police,

Kadavarayanpatti Police Station,

Sivagangai District

Crime No.51 of 2022

3.Naveen

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the 1st and 2nd respondents to produce the person or body of the detenue ie., the petitioner's daughter namely Pavithra, D/o.V.Karthikeyan, aged about 22 years, before this Court and set her at liberty.



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For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

This petition has been filed by the father of the detainee for a direction to the respondent police to produce the body of his daughter, namely, Pavithra, aged about 22 years, who is said to be in the illegal custody of the third respondent.

2. When the matter was taken up for hearing today, the detainee was produced before us. We enquired the detainee and she stated that she married the third respondent at Avadi, Chennai and she is presently with the third respondent at Avadi. She further stated that the third respondent is a B.Sc., graduate, who is working in an I.T.Company. We specifically asked the detainee as to whether she is willing to go along with her parents and she clearly stated that she is willing to go only with the third respondent.



3. The parents of the detinue were present before this Court and they stated that they will get the detinue married to the third respondent and they will have a discussion with the parents of the third respondent. For the present, they wanted the detinue to accompany them so that they can make arrangements to conduct the marriage. When this was put to the detinue, she categorically stated that she will not go along with her parents and she expressed her willingness to go with the third respondent, who is also present before this Court.

4. In the considered view of this Court, the detinue is a major aged about 22 years and she clearly stated that she has already married the third respondent. In such view of the matter, we cannot force the detinue to go along with her parents against her wishes. If the parents of the detinue are willing to resolve the dispute amicably, it is left open to them to have a discussion with the parents of the third respondent and get the marriage registered. Except issuing this clarity, no further orders can be passed in this Habeas Corpus Petition.



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5.The learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner, a woman missing FIR has been registered in Crime No.51/2022. The second respondent is directed to record the statement of the parties and close the FIR.

Accordingly, this Habeas Corpus Petition is disposed of.

[M.S.R.,J] [N.A.V.,J]
21.11.2022

Index : Yes / No
Internet : Yes
RR

To

- 1.The Superintendent of Police
Sivagangai District
Sivagangai
- 2.The Inspector of Police,
Kadavarayanpatti Police Station,
Sivagangai District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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M.S. RAMESH, J.
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N.ANAND VENKATESH, J.

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