



H.C.P.(MD)No.1998 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2022

CORAM

THE HON'BLE MR JUSTICE M.S. RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1998 of 2022

Sakthivel

... Petitioner

/Vs./

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.

3.The Inspector of Police,
Puthanatham Police Station,
Puthanatham,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the Detenue namely Kaviya, daughter of Sakthivel aged about 20 years before this Court and set her at liberty.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor



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ORDER

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

This petition has been filed by the father of the detenue to produce the body of his daughter, Kaviya, who is said to be missing from 18.11.2022 onwards.

2. The learned Additional Public Prosecutor, on instructions, submitted that the detenue is aged about 20 years and she married one Jeevanantham on 18.11.2022. Since there was opposition from her parents' side, she has also given a complaint before the All Women Police Station, Jeeyapuram and the same was taken on file in CSR No.195 of 2022. Thereafter, the matter was enquired and the detenue has given in writing that she has already married the said Jeevanantham and she has sought for protection from her parents. The relevant file was also placed before us.

3. In the considered view of this Court, the detenue is a major and she has taken a clear decision to marry the above said Jeevanantham and has also informed about the same to the respondent police.



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4. The learned counsel appearing for the petitioner submitted that the petitioner wants to see the detainee and hence, a direction may be issued to the respondent police to produce the detainee.

5. The Writ of *Habeas Corpus ad subjiciendum* is to test the legality of the custody of a detainee. When admittedly the detainee is aged above 18 years and has expressed her intention to stay with one Jeevanantham, we do not intend to exercise our jurisdiction under Article 226 of the Constitution of India for directing a Writ of Habeas Corpus, since the detention is not illegal.

6. In view of the above, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (N.A.V.,J.)
29.11.2022

Index : Yes/No
Internet : Yes
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M.S. RAMESH, J.

and

N. ANAND VENKATESH, J.

Sm

TO:

- 1.The Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
- 3.The Inspector of Police,
Puthanatham Police Station,
Puthanatham,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P.(MD)No.1998 of 2022

Dated
29.11.2022