



HCP No.65 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

THE HON'BLE Mr.JUSTICE **M.SUNDAR**
and
THE HON'BLE Mr.JUSTICE **M.NIRMAL KUMAR**

H.C.P. No.65 of 2023

A.Venkatesan

... Petitioner (Father of detainee)

-Vs-

1. The Superintendent of Police,
District Police Office,
Thiruvannamalai District.
Pin-606 604.
2. The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District,
Pin -606 908.
3. Ruban

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the 2nd respondent to secure the petitioner's daughter namely S.Yogeshwari, who is 21 years old, who is in illegal detention by Respondent No.3 since 21.07.2022 and produce her before this Hon'ble High Court and set her at liberty.



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For Petitioner .. Mr.D.Krishnamoorthy
For Respondents .. Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 & R2

ORDER

[Order of the Court was made by **M.NIRMAL KUMAR, J.**]

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.01.2023.

2. The detenue/daughter of the petitioner, petitioner and his wife and one Sakthivel/husband of the detenue are present before this Court. The detenue, during interaction submitted that she was born on 19.01.2001 and she was given marriage to one Sakthivel against her wish, who is double the age of her. Therefore, she was unable to continue with the marriage life and she left her matrimonial home for this reason alone. Due to the pressure exerted by her parents, she joined the matrimonial home. Now, with the help of her college friend, she has secured a job in Gas Agency at Cuddalore and she is residing in the following address:



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V.Yogeshwari,
Jayanthi House,
Nandhagopal Street,
Fish Market Opposite,
Devanampattinam, Cuddalore-607 002.
Mob: 72580 06798.

3. She is not interested to continue her marriage life with Sakthivel and she is very certain about this. The parents of the detenue were informed about the same and they also acknowledged the same. Sakthivel, who is present before this Court has no serious objection to give divorce to the detenue. He agrees to give consent for divorce by mutual consent. The petitioner and his wife are apprehending for detenue's safety and also for her well being and thus insisted that the detenue/daughter of the petitioner can stay with them for some time and thereafter, they will make all arrangements as per her wish.

4. The detenue needs some time, she wants to go back to Cuddalore, continue her job, lead a free life and thereafter, she would visit her parents. She also submitted that by passage of time, all issues will get settled. The detenue and her parents submitted that their daughter is free to visit them and they shall maintain cordiality.

5. Since the detenue is a major, finding no illegal detention, this Court



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is of the considered view that the detenue should be allowed to lead her life as per her wish.

6. In view of the above, it is clear that the detenue S.Yogeshwari was not in illegal detention.

7. Captioned HCP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S,J.) (M.N.K.,J.)
30.01.2023

Index:Yes/No

Neutral Citation : Yes/No

kmi

To

1. The Superintendent of Police,
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2. The Inspector of Police,
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Thiruvannamalai District,
Pin -606 908.
3. The Public Prosecutor,
High Court of Madras, Chennai-104.

M.SUNDAR, J.
and



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M.NIRMAL KUMAR, J.

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