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H.C.P.No.1124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 30.06.2023**

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR  
AND  
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**H.C.P.NO.1124 OF 2023**

A.Srinivasan

.. Petitioner

***Vs.***

1.The Commissioner of Police  
Greater Chennai  
Vepery, Chennai.

2.The Inspector of Police  
M-1, Madhavaram Police Station,  
Madhavaram,  
Chennai.

3.M.Surya  
Son of Murugan

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to direct the respondents to produce detainee xxx D/o.Srinivas aged 18 years who is under the illegal custody of third respondent before this Court and set her at liberty.



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For Petitioner : Mr.W.M.Abdul Azeez  
For Respondents : Mr.E.Raj Thilak  
1 and 2 Additional Public Prosecutor  
For Respondent 3 : Mr.T.Perinbanathan

## **ORDER**

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2.Factual matrix in a nutshell is that the petitioner's daughter who is studying B.Com., First Year in Telengana had come to Chennai; that the petitioner's daughter xxx [we are masking the name of the petitioner's daughter and we shall hereinafter refer to her as 'absentee' for the sake of convenience, clarity and masking the name is for reasons that are obvious] left home on 10.06.2023 but did not return; that the petitioner lodged a complaint with the jurisdictional police (second respondent) on the same day; that the complaint was taken on file as Crime No.249 of 2023 (Woman missing); that according to the petitioner, the absentee has called the



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petitioner's spouse on 14.06.2023 and told her that she is in illegal custody of the third respondent; that captioned HCP has been filed in this Court on 16.06.2023 under such circumstances.

3.Today, though the captioned HCP was in the admission board, the petitioner, petitioner's counsel Mr.W.M.Abdul Azeez, Mr.E.Raj Thilak, learned Additional Public Prosecutor for respondents 1 and 2 (official respondents), third respondent and Mr.T.Perinbanathan, learned counsel representing the third respondent are present in Court.

4.Learned Prosecutor submits that they located the absentee in the third respondent's place and we had an interaction with the absentee, the petitioner and petitioner's spouse in that order more than once. The following aspects emerged from the interactions:

(i) the absentee has married the third respondent on 11.06.2023. To be noted, the absentee is a major as she was born in February of 2005;



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(ii) the third respondent is Jayasurya Murugan (described as M.Surya) in the cause title of captioned HCP;

(iii) that the date of birth of third respondent is 15.10.1998 (according to Aadhaar card which was shown to us). This means that the third respondent is 24 years old as of today;

(iii) that the absentee is clear that she wants to live with the third respondents as husband and wife;

(iv) that there was interaction between the absentee and the petitioner / petitioner's spouse with adequate privacy in Court and post interaction also, the absentee reiterated the position that she wants to go with the third respondent and live with him as husband and wife;



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(v) the absentee says that she has not been kept in illegal custody and she has gone with the third respondent and married the third respondent by her own volition voluntarily without any compulsion or coercion from the third respondent or from any other person.

5. In the light of the narrative thus far, it is clear that this is not a case of illegal detention or unlawful custody as the absentee who is a major left home on her own volition and therefore, we drop the curtains on the captioned HCP. However, we make it clear that all the rights and contentions of the petitioner, petitioner's spouse, third respondent and the absentee or any other person concerned with this matter are preserved, if the need arises in any other connected /collateral proceedings. We also make it clear that this order is being made for the limited purpose of HCP legal drill and therefore, collateral / connected proceedings if any will proceed untrammelled by this order.



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6.In the light of the narrative thus far, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of all the parties concerned in the aforesaid manner.

**(M.S.,J.)**

**(R.S.V.,J.)**

**30.06.2023**

TK



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To

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- 1.The Commissioner of Police  
Greater Chennai  
Vepery,  
Chennai.
- 2.The Inspector of Police  
M-1, Madhavaram Police Station,  
Madhavaram,  
Chennai.
- 3.The Public Prosecutor  
Madras High Court, Chennai



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**M.SUNDAR, J.**  
**AND**  
**R.SAKTHIVEL, J.**

TK

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**30.06.2023**