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HCP No.1663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1663 of 2023

Kalil Raja
S/o.Abdul Ameer

.. Petitioner

Vs.

1. Superintendent of Police
O/o. The Superintendent of Police,
Kanchipuram
Collectorate Compound, Thaiyar Kullam
Kanchipuram, Vandavasi Road,
Kanchipuram - 631 501.
2. Superintendent of Police
O/o. The Superintendent of Police
Chengalpet
VOC Road, Chengalpet
Chengalpet District.
3. The Inspector of Police
O/o. Inspector of Police
D-4, Padalam Police Station
Chengalpet, Chengalpet District.



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4. The Inspector of Police
O/o. Inspector of Police
G-2, Uthiramerur Police Station
Uthiramerur, Kanchipuram District.

5. J.Karthikeyan

6. K.Kala
W/o.Karthikeyan
..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 4th respondent to produce detenu K.Keerthana, W/o.Kalil, daughter of J.Karthikeyan, illegally detained by 5th and 6th respondents before this Honourable Court and set her at liberty.

For Petitioner	:	Mr.P.K.Ganesh
For Respondents	:	Mr.E.Raj Thilak
		Additional Public Prosecutor for R1 to R4

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 clarity, convenience and brevity].

2. Factual matrix in a nutshell is that one 'Ms.K.Keerthana, aged 22 years' [hereinafter 'absentee' for the sake of convenience and clarity] (to be



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noted, Date of Birth of absentee is 26.10.2001) is the nucleus of the captioned HCP; that according to HCP petitioner (to be noted, HCP petitioner is aged 21 years and his Date of Birth is 05.03.2002), he and absentee are very well acquainted with each other; that HCP petitioner and absentee by their own volition got married on 28.06.2023; that according to HCP petitioner, this marriage was in the presence of HCP petitioner's mother, brother and his relatives and that he tied *Thali*; that HCP petitioner and absentee profess different religions; that a wedding Ring was also part of marriage ceremony; that according to HCP petitioner, he and absentee left home on 28.06.2023, stayed in a small house in Guna Village (State of Uttar Pradesh) and were living happily as spouses; that on 02.07.2023, absentee's relatives took her to the Kotwali Rath Police Station (Hamripur, State of Uttar Pradesh); that there are further allegations of petitioner, petitioner being relieved of his jewels, watch etc.; that according to the HCP petitioner local police beat him besides threatening him is petitioner's allegation; that the absentee was taken away forcibly by her relatives with connivance of police is his say; that HCP petitioner managed and reached Chennai on 05.07.2023 by train; that according to the HCP petitioner, absentee called him and messaged him saying she was being illegally detained by her parents (to be



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noted, respondents 5 and 6 in the captioned HCP are father and mother of the absentee); that HCP petitioner has sent a representation to first and fourth respondents on 07.07.2023 to secure the absentee; that there are some other allegations in the captioned HCP and the same can be referred to, if there is a need but considering the scope of this habeas drill on hand and the trajectory it is taking we are not dilating more on those facts in this order. Suffice to say that under such circumstances, captioned HCP has been filed in this Court on 02.08.2023.

3. Today, Mr.P.K.Ganesh, learned counsel for petitioner, petitioner Mr.Kalil Raja are before this Court.

4. Issue notice.

5. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for respondents 1 to 4 (official respondents) and learned Prosecutor is instructed by Mr.K.Boobalan, Sub-Inspector of Police, D-4, Padalam Police Station, Chengalpattu District and Mr.A.Moorthy, Sub-Inspector of Police, G-2, Uthiramerur Police Station, Kanchipuram District.



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6. Respondents 5 and 6 are present in Court.

7. We had a brief interaction with absentee (Ms.K.Keerthana) and we also perused the case diary. On perusal of case diary and based on our interaction, we deem it appropriate to make the following order:

(i) Mr.Ramesh Babu, Deputy Commissioner of Police, High Court Security, Chennai with his team, including women police will now produce the petitioner, absentee Ms.K.Keerthana, respondents 5 and 6 before learned Principal Judge, City Civil Court, Chennai in the afternoon session, preferably by 3.00 p.m. but time is subject to the convenience of learned Principal Judge;

(ii) Until production in aforesaid manner, Deputy Commissioner of Police, High Court Security shall ensure that absentee is insulated from outside interaction particularly respondents 5, 6 on one side and HCP petitioner on the other side;

(iii) Learned Principal Judge, City Civil Court, Chennai



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is requested to record statements of petitioner, absentee Ms.K.Keerthana, 5th respondent and 6th respondent separately (in-camera, not in open Court). It is open to learned Principal Judge to record statement/s including police at her discretion if deemed necessary (based on other statements);

(iv) As the absentee and HCP petitioner are clearly majors, irrespective of whether there is a valid marriage or not, whom the absentee would go with is her call / her decision;

(v) From the statements recorded, if it comes to light that the absentee wants to go with HCP petitioner, she will do so and Law Enforcing Authorities shall aid this. If the absentee wants to go with her parents, she will do so and it will also be aided by Law Enforcing Authorities. Post recording statements learned Principal Judge is at liberty to make suitable written orders (if necessary) in this regard;

(vi) Mr.K.Boobalan, Sub-Inspector of Police, D-4, Padalam Police Station, Chengalpattu District and Mr.A.Moorthy, Sub-Inspector of Police, G-2, Uthiramerur Police Station, Kanchipuram District will also be present



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before learned Principal Judge, City Civil Court, Chennai and it is entirely the discretion of learned Principal Judge to put any question/s to them and / or record their statements also if deemed appropriate;

(vii) We request learned Principal Judge, City Civil Court, Chennai to conclude this exercise today before close of working hours;

(viii) This proceedings and proceedings of learned Principal Judge, City Civil Court, Chennai will be communicated to the second respondent and second respondent or his counter part in Kanchipuram District i.e., Superintendent of Police, Kanchipuram District will be responsible for ensuring that the absentee's choice of going either with HCP petitioner or with her parents is adequately aided by Law Enforcing Authorities *inter alia* taking care of safety and security;

(ix) We requisition a report along with statements from learned Principal Judge, City Civil Court, Chennai.



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8. Though captioned HCP could have been decided by us based on the interaction with the absentee, considering the peculiar facts and circumstances of the case, considering the attendant circumstances and the trajectory the matter has taken thus far, we are adopting the aforementioned course in the captioned HCP making an exception of sorts.

9. Captioned HCP is disposed of with the aforementioned directives and observations.

10. Though captioned HCP is disposed of, list the matter under the cause list caption 'FOR REPORT' one week hence. Learned State Additional Public Prosecutor is directed to file a report which shall be placed before this Court along with report of learned Principal Judge. List on 05.09.2023.

(M.S.,J.) (R.S.V.,J.)
29.08.2023

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No

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Registry to upload forthwith and communicate this order to learned Principal Judge forthwith.

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To

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Uthiramerur, Kanchipuram District.
5. The Public Prosecutor,
High Court, Madras.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

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