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H.C.P.No.1710 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1710 of 2023

G.Velu

.. Petitioner

Vs.

The State by

1. The District Superintendent of Police
Ranipet District
2. The Inspector of Police
Arakkonam Town Police Station
Ranipet District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to cause the production of the body and person of petitioner's daughter V.Sarumathy, daughter of G.Velu, aged 21 years, before this Court and set her at liberty.

For Petitioner : Mr.MArul

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

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[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, convenience and clarity].

2. Factual matrix in a nutshell is that petitioner's daughter V.Sarumathy, aged 21 years [Date of Birth 15.02.2022], according to the petitioner was missing from 23.08.2023; that it is the petitioner's case that he dropped the absentee in Arakkonam Railway Station for attending an interview on 23.08.2023 but thereafter she did not come back home; that the petitioner lodged a complaint with Arakkonam Town Police Station and the same has been taken on file as Crime No.410 of 2023 (woman missing); that fearing / apprehending illegal detention, captioned HCP was filed in this Court on 28.08.2023.

3. Today Mr.M.Arul, learned counsel for petitioner, petitioner Thiru.G.Velu, son of Thiru.Gopal are present in Court and learned counsel for petitioner reiterates the aforementioned factual matrix.

4. Issue notice.



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5. Mr.E.Raj Thilak, learned State Additional Public Prosecutor

accepts notice for all the respondents and learned Prosecutor is instructed by Ms.D.Bharathi, Inspector of Police, Arakkonam Town Police Station.

6. This Court is informed that absentee is present in Court.

7. This Court had an interaction with the absentee and thereafter, the absentee had an interaction with her father with adequate / ample privacy in the Court. Post interaction of the absentee with the petitioner, we had one more interaction with the absentee. What emerges from such interactions are as follows:

i) absentee says that her Date of Birth is 15.02.2002 and therefore, the absentee is clearly a major (21 years as of today);

ii) absentee has married one Thiru.S.Jeevanandham, aged 27 years, son of Thiru.Subramani with permanent address at No.16, Vasantham Nagar, Ariyur, Karikal Post, Arakkonam;

iii) to be noted, Thiru.S.Jeevanandham is present in Court and he is employed in Integral Coach Factory [ICF];

iv) absentee says that the marriage was solemnized on 23.08.2023 in Sholingar Temple;



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v) Absentee before interaction and post interaction with

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her father reiterated that she would like to go with her husband

Thiru.S.Jeevanandham and continue the marital tie.

8. The absentee is a major and her choice will prevail.

In the light of the narrative thus far as it is clear that there is no illegal detention or unlawful custody of absentee, captioned HCP is disposed of as closed.

(M.S.,J.)

(R.S.V.,J.)

04.09.2023

gpa

To

1. The District Superintendent of Police
Ranipet District
2. The Inspector of Police
Arakkonam Town Police Station
Ranipet District
3. The Public Prosecutor
Madras High Court

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