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H.C.P.No.1854 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1854 of 2023

V.Tharagaraman

... Petitioner

Vs.

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

3.S.Karthick

4.Saravanan

5.S.Chitra devi

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the respondents to produce the petitioner's daughter namely T.Prasanthi aged about 18 years before this Court and set her at liberty.

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For Petitioner : Mr.R.Hariharan
For R1 and R2 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This petition is filed by the father of the detinue to direct the respondent Police to produce his daughter namely T.Prasanthi aged about 18 years before this Court and set her at liberty.

2.Mr.E.Raj Prabhu, Sub-Inspector of Police, K-8 Arumbakkam Police Station, is present before this Court.

3.On enquiry and based on verification of the materials, this Court confirmed that the detinue was born on 27.02.2005 and therefore, she is a major.



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4.The detainee is present before this Court and she states that she fell in love with the 3rd respondent and she was forced to leave her parental home on account of the mental agony she suffered from her parents after hearing that she was in love with the 3rd respondent.

5.The petitioner is present before this Court and he is too emotional and his grievance, as a father, appears to be normal. The genuine request of the petitioner/father is that his daughter is in the influence of the 3rd respondent and his parents and that he may be permitted to convince his daughter along with the mother of the detainee, who is unable to get back to normal on account of the conduct of her daughter.

6.This Court finds that the detainee is not in illegal detention. The detainee states that she is living with her friend. She being a major, her stand that she is not willing to go with her parents, cannot be disregarded. From the conversation that we had with the girl and the father, considering the grievance of the father, we suggested a counselling through a Mediator or



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Psychiatrist. However, the girl appears to be very firm on her decision and she states that her decision has been taken on her own and she does not require any counselling from anyone.

7.We also enquired with the 3rd respondent, who is present before this Court, and we find that he is reasonable. We do not find any reason to believe that he was capable of influencing the girl taking undue advantage of her age and background. He appears to be a sports person and has participated in national events.

8.In that view of the matter and since we have already held that the girl is not in illegal detention, we do not find any merit in this petition. However, we only advise the parents of the girl to make their earnest efforts to contact the girl through their near relatives or elders in the family so that she may agree to join with her parents. If any such attempt is made, the respondent Police may facilitate a meeting of parents of the girl and the 3rd respondent along with the parents of the 3rd respondent.



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WEB COPY 9. In fine, this Habeas Corpus Petition is dismissed, however, with the observations made above.

(S.S.S.R., J.) (S.M., J.)
04.10.2023

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Commissioner of Police,
Chennai City.
2. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

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