



HCP(MD)No.222 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.222 of 2023

P.Velu

.. Petitioner / Father of the
Detenue

Vs.

1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Karaiyur Police Station,
Karaiyur,
Pudukkottai District.

3.Mahendran @ Gohul

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the first and second respondents to secure the body or the person namely Kalaiselvi, D/o.P.Velu, aged about 20 years based on the petitioner's representation dated 13.02.2023 the detenue herein and produce before this Court and set her at liberty.

For Petitioner : M/s.A.Arul Jenifer

For R-1 and R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor



WEB COPY



HCP(MD)No.222 of 2023

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner's daughter, Kalaiselvi, born on 03.06.2003 and now aged about 20 years, had gone missing from 30.01.2023, which prompted him to give a complaint that was registered in Crime No.14/2023 under the caption “woman missing”. The present Habeas Corpus Petition has been filed since the petitioner's daughter could not be traced by the respondent Police.

2. Today, when the matter was taken up for hearing, the second respondent herein had produced the petitioner's daughter Kalaiselvi before us. We had spoken with her and she informed that she was in love with her schoolmate, Mahendran @ Gohul/third respondent herein and had married him on 05.02.2023 at Kallakurichi and that she is now residing with him. She also stated that she is now pregnant through the third respondent herein. She further submitted that she and the third respondent belong to different communities and their marriage is opposed by both their parents.



HCP(MD)No.222 of 2023

3. When a major girl has consciously taken a decision to live with the third respondent herein, who is also a major, this Court exercising its powers under Article 226 of the Constitution of India will not force her to reconcile with her father/petitioner herein. As such, no further orders can be passed in the prayer sought for in the present Habeas Corpus Petition. In case the petitioner's daughter and the third respondent apprehend danger to their life and liberty, they are at liberty to make a representation to the concerned jurisdictional Inspector of Police seeking for protection. On receipt of such a representation, the concerned jurisdictional Inspector of Police shall render the necessary assistance to safeguard their life and liberty.

4. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
11.08.2023

NCC : Yes / No
Index : Yes / No
Lm



HCP(MD)No.222 of 2023

To

WEB COPY

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Inspector of Police,
Karaiyur Police Station,
Karaiyur,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.222 of 2023

M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

Lm

H.C.P.(MD)No.222 of 2023

11.08.2023