



HCP(MD)No.401 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.04.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.401 of 2023

Vellaiyan

.. Petitioner / Father of
the detenue

Vs.

1.The Superintendent of Police
Madurai District

2.The Inspector of Police,
Melur Police Station
Melur.

3.Arunprasath

4.Radha

5.Rajathi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents 1 & 2 herein to produce the body or person of the petitioner's daughter namely Arputham, D/o.Vellaiyan, aged 18 years and set her at liberty before this Court.



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For Petitioner : Mr.C.Sasikumar
For Respondents : Mr.E.Antony Sahaya
Prabahar for R1&R2
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus petition has been filed directing the respondents 1 & 2 herein to produce the body or person of the petitioner's daughter namely Arputham, D/o.Vellaiyan, aged 18 years and set her at liberty before this Court.

2.Today, the learned Additional Public Prosecutor appearing for the respondents would submit that the detainee has been secured and produced before this Court.

3.When we enquired her, she would submit that she was studying in 2nd year B.Com., in a College at Melur, where the third respondent also was studying in some other course. She fell in love with him and she wanted to marry him but that desire of the detainee was not to the liking of the parents



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of the detainee that is the reason why the detainee claimed that she left her parental home on 13.03.2023 along with the third respondent and on the way from Chennai to Tirupathi, she claimed that she got married the 3rd respondent.

4. In this context, it is to be noted that the date of birth of the 3rd respondent is 03.10.2002 and the date of birth of the detainee is 20.01.2004 and on the date of marriage as claimed by the detainee, ie., on 13.03.2023, the detainee has completed 18 years, however, the third respondent has not completed 21 years. Therefore, whether the marriage said to have been taken place between the detainee and the third respondent is to be accepted or not and based on which, what action to be taken on the side of the prosecution would be decided by the official respondents, the learned Additional Public Prosecutor submitted.

5. The detainee has stated that she does not want to go either with the petitioner or the parents and she wants to go with the third respondent or atleast to go with the parents of the third respondent and reside with them for sometime till the third respondent attains/completes 21 years.



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6. The said statement made by the detainee is hereby recorded and in this context, even though the petitioner and his wife ie., the parents of the detainee, who appeared before this Court wanted the detainee to come with them, since the detainee was not desirous of going with them, it is up to the detainee to take a decision as to with whom she has to go and live. Insofar as this Habeas Corpus Petition is concerned, as the detainee has stated, we can easily conclude that there is no illegal custody on the part of the detainee. Recording the same, this petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
10.04.2023

Index : Yes/No

Internet : Yes

RR

To

1.The Superintendent of Police
Madurai District

2.The Inspector of Police,
Melur Police Station
Melur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
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RR

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