



H.C.P.(MD) No.489 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.489 of 2023

Ramamoorthi

... Petitioner / Father of the Detenue

Vs.

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

2.The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.
(CSR No.306 / 2023)

3.Praveenkumar

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the body or corpus of the detenue, namely, Rubika, D/o.Ramamoorthi, aged about 20 years, before this Court and set her at liberty forthwith.



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H.C.P.(MD) No.489 of 2023

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1 & R2 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner, seeking production of his daughter, namely, Rubika, aged about 20 years, has filed this Habeas Corpus Petition.

2.Today, the detainee girl, namely, Rubika, has been produced before this Court by the respondent Police.

3.The detainee girl has stated before us that for the past several years ie., from the study of 10th standard, she fell in love with the 3rd respondent and she has further stated that she is studying second year Law course in Law College at Sivagangai District and she wants to continue the studies.



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4. She has further stated that her parents earlier though accepted the love affair with the 3rd respondent and they assured her to perform their marriage after sometime, of late, they were taking steps to fix marriage for the detainee girl with some third party, which the detainee did not like. Hence, there had been some commotion in the parental home of the detainee. Therefore, having no other option she left the parental home on 10.04.2022 and had gone to the 3rd respondent, where the parents of the 3rd respondent, namely, Chinna Veeranan and Sasikala had accepted the detainee and at present, the detainee claimed to have been residing only at their residence and it is further stated by her that the parents of the 3rd respondent assured to help for the detainee to continue her studies and to complete the degree, thereafter, they will make an arrangement for the marriage with the 3rd respondent.

5. When we specifically asked for as to whether the detainee is going to stay permanently at the residence of the 3rd respondent without having married him for longer period, she said till the completion of the studies she wants to stay at hostel for which the parents of the 3rd respondent



H.C.P.(MD) No.489 of 2023

seems to have assured and they have only now paid the fee for the college also.

6.What she has stated before us had already been stated by her in a statement on 18.04.2023 to the respondent Police ie., the 2nd respondent and the written statement given by the detainee has also been produced by the learned Additional Public Prosecutor for the official respondents before this Court, which has been read by the learned counsel for the petitioner.

7.When that being so, the detainee girl, being major, according to her own volition, can live with anyone and anywhere and therefore, it cannot be treated as illegal custody at the hands of anyone, including the 3rd respondent. Therefore, we feel that this Habeas Corpus Petition, having recorded the aforestated facts and circumstances as narrated by the detainee, can be closed, accordingly, it is closed.

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

20.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR



H.C.P.(MD) No.489 of 2023

To

1.The Superintendent of Police,
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2.The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.

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



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H.C.P.(MD) No.489 of 2023

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