



HCP(MD)No.504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.04.2023

CORAM

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

H.C.P.(MD)No.504 of 2023

T.Rajeswari

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Sellur Police Station,
Madurai

3.Pradeep

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st and 2nd respondents to produce the petitioner's daughter namely Abinaya aged 19 years or her body before this Court and set her at liberty.

For Petitioner : No appearance

For Respondents : Mr.RMS.Sethuraman for
R1&R2
Additional Public Prosecutor



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ORDER

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

This Habeas Corpus Petition has been filed for a direction to the 1st and 2nd respondents to produce the petitioner's daughter namely Abinaya aged 19 years or her body before this Court and set her at liberty.

2. When this Habeas Corpus Petition is taken up for hearing, the learned Additional Public Prosecutor has produced the detainee through the respondent police.

3. The detainee has stated before us that her date of birth is 02.04.2003 and therefore, she is a major and she fell in love with the third respondent, who is her close relative. For the said love affair, since there has been opposition from her family members, she wanted to go with the third respondent and to marry him. According to her, the marriage was performed between them on 02.04.2023 and even now she wants to go only with the third respondent and she does not want to go with the petitioner.



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4. The aforesaid statement made by the detainee is recorded. However, it is to be noted that the date of birth of the third respondent is 12.08.2002 and he has not completed 21 years of age. Therefore, whether the marriage is voidable marriage or not also to be decided.

5. In this context, it is open to the concerned parties to take appropriate legal remedies in the manner known to law. Insofar as the present Habeas Corpus Petition is concerned, since the detainee is a major and on her own volition, she has left the parental home and she stated before us that she is not in the illegal custody either at the hands of the third respondent or anyone else. Therefore, recording the same, we feel that this petition may be closed. Accordingly, this petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
24.04.2023

Index : Yes/No

Internet : Yes

RR

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Madurai Bench of Madras High Court
Madurai.



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and
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RR

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