



H.C.P.(MD)No.651 of 2023CP(MD)No.651 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.06.2023

CORAM

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

H.C.P.(MD)No.651 of 2023

S.Velmurugan

.. Petitioner / father of
the detainee

Vs.

1.The Superintendent of Police
Theni District, Theni.

2.The Inspector of Police,
Palanichettypatti Police Station,
Theni District

. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents to secure and produce the body or person of the petitioner's daughter by name Nithya Sri, D/o.Velmurugan, aged about 21 years, before this Court and set her at liberty.



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For Petitioner : Mr.A.Rajaram
For Respondents : Mr.RMS.Sethuraman
Additional Public
Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed to direct the respondents to secure and produce the body or person of the petitioner's daughter by name Nithya Sri, D/o.Velmurugan, aged about 21 years, before this Court and set her at liberty.

2.Today, when this petition was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents has produced the detainee, namely, Nithya Sri, daughter of the petitioner herein, through the respondent police. She stated before us that she completed B.E., degree at Coimbatore and she wants to pursue further studies. She would further submit that when she was studying at Coimbatore, she fell in love with one M.Meenakshi Sundaram, S/o.Muthumanikandan of Dindigul, who was her classmate.



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3. The said love affair seems to have not been revealed by the detinue to the petitioner and she further stated that on 04.03.2023, she married the said Meenakshisundaram and the said marriage, according to them, was solemnized at a temple called Sri Alamarathu Lakshmi Vinayagar Koil. Thereafter, the detinue had come to her parental home and in the first week of May, 2023, she again left the parental home and in order to search and find out the detinue, the petitioner is before this Court with this petition.

4. The boy, namely, Meenakshisundaram also appeared before this Court and he would also state that the marriage has been solemnized between them at the temple in front of some well-wishers and friends on 04.03.2023 between 7 and 8 a.m. Thereafter from the first week of May, 2023, for about 20 days, they had been residing under one roof in Coimbatore. The said Meenakshisundaram claimed that after completing B.E. Course, he has already joined a job and he is earning a sum of Rs.28,000/- per month.



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5. The petitioner herein also appeared before this Court and he stated that the said affair has not been revealed to him. Had it been revealed, he would have taken a decision even in support of the detenue. However, now she had taken a decision on her own and claimed to have married the boy, it is for her to take a decision as to whether she wants to come back to the parental home or will go with the said boy as the detenue is already a major of 21 years, he stated.

6. We have heard the learned Additional Public Prosecutor as well as the learned counsel for the parties and have taken note of the afore-stated facts projected by the detenue as well as the other persons, who appeared before us.

7. Since both the detenue and the boy have already become major and also crossed the age capable of marrying and they claimed to have married on 04.03.2023 and to that effect, some documents have also been produced by the said Meenakshisundaram and they wanted to live together and the mother of the said Meenakshisundaram, who appeared before this Court, wanted to take them and the father of the detenue, ie.,



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the petitioner also had stated that it is for her to take any decision, we feel that the detenue has not been under illegal custody at the hands of anyone including the said boy and on her own volition only she claimed to have married that boy and both of them expressed their willingness to live together in future, recording the aforesaid, we feel that the petition can be closed. Accordingly, this petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
01.06.2023

Internet : Yes

RR

To

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



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R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.

RR

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