

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.19890 OF 2023

ORDER:- *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

This writ petition for habeas corpus is filed seeking direction to the respondents police officials to produce the alleged detenu by name Marlapati Pallavi from the custody of the 5th respondent in the Court and then to set her at liberty.

02. Heard learned counsel for the petitioner and learned Government Pleader appearing for official respondents 1 to 4 and learned counsel for unofficial respondent No.5.

03. The alleged detenu by name Marlapati Pallavi is the daughter of respondent No.5. She is a major and studied B.Tech. At present she is aged about 22 years.

04. It is alleged by the petitioner that he and the detenu loved each other and when her parents are making an attempt to perform her marriage with another person and betrothal ceremony was also scheduled to be held, that he and Pallavi eloped together from Malineni Lakshmaiah Engineering College, Kandukur, and they went

to Tirupati and their marriage was performed on 21.04.2023 in Tirupati in the presence of their friends and when they are staying in a room in S.T.V. Nagar of Tirupati, the 5th respondent who is her father traced their location and they approached them and took away the detenu from his custody. Therefore, the instant writ petition for habeas corpus is filed seeking the aforesaid relief.

05. This Court on 07.08.2023 has directed the 4th respondent Station House Officer of Ulavapadu Police Station to produce the detenu before this Court by the next date of hearing i.e., today 21.08.2023.

06. Accordingly, pursuant to the aforesaid direction, the 4th respondent has produced the detenu before this Court today who in the custody of her parents.

07. The detenu categorically stated before the Court that the petitioner has falsely stated before her and made her believe that he got a job and that he is an employee and thereby eluded her to accompany him, accordingly, she went with him believing his words and thereafter she came to know that he is a man of bad character and that he has no job and he has falsely stated before her that he got

job. She would further state that after knowing about the character of the petitioner that she voluntarily went with her parents and she was not forcibly taken by her parents and she would further state that she is now comfortably living with her parents. She also stated that she does not want to go with the petitioner or live with him and she would live with her parents only.

08. Therefore, from the aforesaid statement of the detenu it is now evident that she was not forcibly taken away by the 5th respondent who is her father and that she has voluntarily went to her parents house and has been living with them. As she is a major aged about 22 years, she got right to live wherever she intends to live and wishes to live. As she has unequivocally expressed her intention to live with her parents and as it is found she was not illegally detained or confined by her parents against her wish, it cannot be said that she was detained or confined illegally by the 5th respondent.

09. It is settled law that only when the detenu was illegally confined or detained against her wishes then only the writ petition for habeas corpus can be entertained. As it is found that she is not forcibly taken away by her parents and was not confined or detained by them, this writ petition for habeas corpus is not maintainable.

10. Therefore, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any pending, in this Writ Petition,
shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TARLADA RAJASEKHAR RAO

Date: 21.08.2023

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