



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3558]

TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 4349/2026

Between:

1. TURLAPATI PEDDABBAI, S/O SRINIVASA RAO AGE 58 YEARS, OCC STAFF ASSISTANT R/O UNNAVA VILLAGE, EDIAPADU MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH - 522233.
2. TURLAPATI NAGA MALLESWARI, W/O.T. PEDDABBAI AGE 48 YEARS, OCC HOUSEWIFE R/O. UNNAVA VILLAGE, EDIAPADU MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH - 522233

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY , HOME DEPARTMENT, SECRETARIAT, AMARAVATHI, GUNTUR DIST-522503
2. THE SUPERINTENDENT OF POLICE, COLLECTOR OFFICE ROAD, ANKAMMA NAGAR, R AND B QUARTERS, GUNTUR, ANDHRA PRADESH - 522004.
3. THE DEPUTY SUPERINTENDENT OF POLICE, GUNTUR RURAL SDPO (SUB-DIVISIONAL POLICE OFFICER/DSP), COLLECTOR OFFICE ROAD, ANKAMMA NAGAR, GUNTUR DISTRICT., ANDHRA PRADESH - 522003.
4. THE CIRCLE INSPECTOR OF POLICE, PRATHIPADU, GUNTUR DISTRICT - 522019.

5. THE STATION HOUSE OFFICER, PRATHIPADU, GUNTUR DISTRICT - 522019.
6. THE STATION HOUSE OFFICER, THULLURU PS, GUNTUR DIST., - 522237
7. BUSI ANANDA BABU, S/O SUBBA RAO AGE 36 YEARS, OCC DAILY LABOUR, R/O PEDDAGOTTIPADU POST, PRATHIPADU MANDAL, GUNTUR DISTRICT - 522019

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Habeas Corpus directing the respondents 2 to 5 to produce the petitioners Daughter namely Turlapati Nireekshana D/o T.Peddabbai, who is Pursuing Second Year Engineering in the Vellore Institution of Technology, Amaravati, Guntur District., from the hands of Respondents No.6 who missed from the Vellore Institution of Technology, Amaravati, Guntur District., on 21-1-2026, which is subject matter of crime before Respondent No.5 and 6 who refused to lodge the Crime, before this Hon'ble Court and set her free to go with her parents viz., Turlapati Peddabbai (Father) and Turlapati Naga Malleswari (Mother), and to pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the respondents No. 2 to 5 to produce the petitioners' Daughter namely Turlapati Nireekshana D/o T.Peddabbai, who is Pursuing Second Year Engineering in the Vellore Institution of Technology, Amaravati, Guntur District., from the hands of Respondents No.7 before this Hon'ble Court and grant interim custody to her parents viz., Turlapati Peddabbai (Father) & Turlapati Naga M'alleswari (Mother), pending disposal of the main Writ Petition in the interest of justice.

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the respondent No.5 to register the crime against the respondent No.7 for the offence committed under POCSO, Act, 2012 and Bharatiya Nyaya

Sanhita, 2023 in pursuant to the complaint dt:3-2-2026 filed by the 2nd petitioner, pending disposal of the main Writ Petition in the interest of justice.

Counsel for the Petitioner(S):

1.M M M SRINIVASA RAO

Counsel for the Respondent(S):

1.THE ADVOCATE GENERAL

The Court made the following:

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THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

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ORDER: *(Per Sri Justice Cheekati Manavendranath Roy)*

This writ petition for Habeas Corpus under Article 226 of the Constitution of India is filed seeking direction to respondent Nos.2 to 5-Police officials to produce the corpus by name Turlapati Nireekshana, who is the daughter of the petitioners before the Court, who is said to be missing from 21.01.2026 and then set her liberty.

2. Heard Sri M.M.M.Srinivasa Rao, learned counsel for the petitioners and the learned Assistant Government Pleader attached to the office of the learned Advocate General appearing for the official respondent Nos.1 to 6. Despite service of notice on respondent No.7, he did not enter his appearance.

3. The petitioners are the parents of the corpus. Alleging that she is found missing from their house from 21.01.2026, the instant writ petition has been filed by the petitioners seeking direction to respondent Nos.2 to 5 to produce the corpus before the Court and then set her at liberty.

4. When the matter came up for admission before the Court on 17.02.2026, while ordering notice to unofficial respondent No.7, we have directed respondent No.5- Station House Officer of Prathipadu Police Station

to produce the corpus before the Court today i.e. on 03.03.2026. Accordingly, she is produced before the Court today.

5. We have interacted with the corpus in the open Court. To a question as to what is her date of birth, she has categorically stated that her date of birth is 30.12.2007. The said fact, that her date of birth is 30.12.2007 as stated by her, is not denied, disputed or controverted by the petitioners, who are her parents. Therefore, as on today, she is a major. When she was questioned whether she was taken away by respondent No.7 from the custody of her parents, she denied the same and she stated categorically that she is in love with respondent No.7 and that she herself went away on 21.01.2026 from Vellore Institution of Technology, Amaravati, where she is studying with an intention to marry respondent No.7 and thereafter married respondent No.7 on 24.01.2026 initially in a Church of Guntur and thereafter, again on 26.01.2026 she married him in Lutheran Church, Gottipadu and that she has been residing with respondent No.7 at present. When she was asked as to why she married again for the second time on 26.01.2026, she stated that as there was no proof available relating to her marriage held on 24.01.2026 in a Church in Guntur, she married him again on 26.01.2026 in Lutheran Church, Gottipadu. She further stated that she has been living voluntarily with respondent No.7 and that she has not been confined illegally by him. To a pointed question as to with whom she intends to stay and reside at present and whether she is willing to accompany and live with her parents, she refused to accompany them and she expressed her intention to stay and live with respondent No.7.

6. Therefore, as she has with free will and volition voluntarily married respondent No.7 after attaining majority and she has expressed her intention to live and stay with him only, it cannot be said that she has been illegally confined or detained by respondent No.7. As she is a major, she has every right to take a decision as to with whom she intends to stay and live. As she has taken a decision to live with respondent No.7, she has to be allowed to live with her husband i.e. respondent No.7. Therefore, the writ petition for Habeas Corpus is not maintainable.

7. When the learned counsel for the petitioners requested to permit the petitioners who are the parents of the corpus to talk to her, we have permitted the petitioners to talk to the corpus. Accordingly, they had a conversation with the corpus outside the Court for some time separately.

8. Even after the petitioners interacted with the corpus, she persisted on her decision to live with respondent No.7, who is her husband. Therefore, as she has unequivocally and clearly expressed her intention to live with respondent No.7, she is permitted to accompany him and live with him.

9. Learned counsel for the petitioners submits that the corpus was made pregnant by respondent No.7 in the month of August, 2025 when she was a minor and medical record is produced in proof of the said fact and that the police did not register any case against respondent No.7 on the report given by them. If that be the grievance of the writ petitioners, they have to pursue their remedy by resorting to effective remedies available to him as per law as

directed by the Apex Court in **Sakiri Vasu vs. State of Uttar Pradesh**¹. But the same cannot be a ground to entertain this writ petition for Habeas Corpus.

10. Therefore, in view of the aforesaid discussion and in view of the clear statement given by the corpus, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 03.03.2026
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¹ 2008 (2) SCC 409

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

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