

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.2747/2015

Manjula

..Petitioner

Versus

1.The Inspector of Police
Tindivanam Police Station
Cr.No.574/2015
Tindivanam, Villupuram District.

2.Sivaraj

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents herein to produce the body of the petitioner's daughter K.Nathiya before this Court and to set her at liberty.

For Petitioner : Mr.R.Gokulakrishnan
For R1 : Mr.A.N.Thambidurai
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner/mother of the detainee, to cause production of her daughter, Nathiya, daughter of Kumar, aged about 21 years, who is said to be in the illegal custody of the 2nd respondent, before this Court and to set her at liberty.

2 It is the case of the petitioner that her daughter Nathiya, the detainee herein, aged about 21 years, had gone missing, in connection with which, a case in Cr.No.574/2015 for "Woman Missing" has been registered by the respondent police on 10.10.2015. It is the further case of the petitioner, in her affidavit, that her daughter has eloped with one Sivaraj, the 2nd respondent herein.

3 Today, the detainee Nathiya was secured and produced before this Court by the respondent police. Learned Additional Public Prosecutor submitted that the respondent police secured the detainee from the custody of the 2nd respondent, at Otteri, Chennai, where they were living together.

4 On enquiry, the detainee stated that on account of love affair with the 2nd respondent herein, she had eloped with him. She also expressed her willingness to go along with the 2nd respondent only and not with her mother/the petitioner herein, despite the fact that the 2nd respondent, is having criminal antecedent and that he being younger to the detainee herein, in age.

5 Since the detainee is a major who is aged about 21 years and further that she has gone with the 2nd respondent on her own volition, it cannot be stated that she is in the illegal custody of the 2nd respondent.

6 Under such circumstances, recording the statement made by the detainee, the Habeas Corpus Petition is closed and she is set at liberty to chalk out her life.

Sd/
ASSISTANT REGISTRAR (CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP
To

1. The Inspector of Police
Tindivanam Police Station
Tindivanam, Villupuram District.

2. The Public Prosecutor
High Court, Chennai.

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HCP.No.2747/2015

CO-VD
JD 30/11/2015