

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

H.C.P.NO.2802 OF 2015

G.Shankar ... Petitioner

- Vs -

1. The Commissioner of Police
Egmore, Chennai.
2. The Inspector of Police
T7 Tank Factory Police Station
Chennai - 600 062.
3. Mahinderan

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the first respondent to produce the body of the detainee, viz., Vanitha, aged about 21 years, who is illegally detained by the third respondent, against her wisher and to produce the detainee, before this Court and set her at liberty.

For Petitioner : Mr. T.Dharani

For Respondents: Mr. A.N.Thambi Durai, APP, for RR-1 & 2

ORDER

(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner, the father of the detainee, viz., Vanitha, aged about 21 years, for a direction on respondents 1 and 2 to secure the detainee and produce her before this Court and set her at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. Though the petitioner has alleged that detenue is under the illegal detention of the third respondent, from the status report filed by the respondent police, it is seen that the petitioner tried to make arrangement for the wedding of his daughter, viz., the detenue, to a person with whom she was not interested and, therefore, the detenue left her parental home. On the complaint lodged by the petitioner, consequent to the steps taken by the respondent police, the detenue appeared before the Additional Commissioner of Police, Vepery and has submitted a letter in her own hand, stating that her parents are compelling her to marry one Kumar, for which she is not agreeable and, therefore, she left her parental home on her own volition.

4. A copy of the letter of the detenue given to the Addl. Commissioner of Police, is produced before the Court, which clearly reveals that the detenue is a major, that she left her parental house on her own volition is and not illegally detained by any person, much less the third respondent. In the above circumstances, there being no illegal detention of the detenue, writ of habeas corpus as prayed for cannot be issued. Accordingly, this petition fails and the same is dismissed.

GLN

Sd/-
Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

To

1. The Public Prosecutor
High Court, Madras.
2. The Commissioner of Police
Egmore, Chennai.
3. The Inspector of Police
T7 Tank Factory Police Station
Chennai - 600 062.

+lcc to M/s.T.Dharani, Advocate Sr.60631[08/12/2015]

H.C.P.NO.2802 OF 2015

TM(CO)

Sd : 25/11/2015