

In the High Court of Judicature at Madras

Dated: 30.11.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3048 of 2015

Lalitha Petitioner /Mother of the Detenu

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Karaikal.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District,
Nagapattinam.
3. The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District,
Nagapattinam.
4. The Station House Officer,
Neravy Police Station,
Karaikal.

5. Kalaiyazhagan Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing
respondents 1 to 4 herein to produce the body of the
petitioner's daughter Ashwini aged 22 years, who is in illegal
custody of the 5th respondent herein before this Court and set
her at liberty.

For Petitioner : Ms.Greetha Senthilkumar

For Respondents: Mr.A.N.Thambidurai,
Addl. Public Prosecutor - R1 to R4

O R D E R
(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the mother of the detinue Ashwini, for a direction to respondents 1 to 4 herein to produce the detinue before this Court and set her at liberty.

2. It is the case of the petitioner that her daughter Ashwini went missing on 21.11.2015, in connection with which a case in Crime No.303 of 2015 has been registered for the offence under Section 366 of IPC by the Thittachery Police Station.

3. Learned Additional Public Prosecutor, on instruction, submits that during the course of investigation, it came to light that the said Ashwini had left her parental home on her own volition with Kalaiyazhagan, 5th respondent herein, since her parents were trying to arrange marriage for her with a person whom she did not want to marry. Learned Additional Public Prosecutor has produced a letter written by the said Ashwini to the Sub-Inspector of Police, Thittacheri Police Station, wherein she has stated that she had gone on her own volition from her parental home with Kalaiyazhagan.

4. In the light of the above, we find that it is not a fit case, where the detinue is in illegal custody of any one warranting issuance of Writ of Habeas Corpus. A copy of the First Information Report and the letter written by the detinue Ashwini has been given to the learned counsel appearing for the petitioner.

5. Accordingly, this Habeas Corpus Petition stands closed, however, with a direction to the respondent police to proceed with the investigation in Crime No.303 of 2015. The Honourable Supreme Court in the case of Lata Singh v. State of U.P. [(2006) 5 SCC 475], stated as follows:

"17. We, therefore, direct that the administration/police authorities throughout the country will see to it that if any boy or girl who is a major undergoes inter-caste, or inter-religious marriage with a woman or man who is a major, the couple is not harassed by anyone nor subjected to threats or acts of violence, any anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law."

6. Therefore, in the light of the above categorical dictum laid down by the Supreme Court in the above judgment, the respondent police should take action having the above judgment in mind.

sl

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Karaikal.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District,
Nagapattinam.
3. The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District,
Nagapattinam.
4. The Station House Officer,
Neravy Police Station,
Karaikal.
5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Ms.Greetha Senthilkumar, Advocate SR 65424

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H.C.P.No.3048 of 2015

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