

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P.No.499 of 2015

O.Devarajulu

.. Petitioner

versus

1.Mr.John Paul,
No.6/46, 2nd Floor,
Kutti Street, Seven Wells,
Chennai 600 001.

2.The State by
Inspector of Police,
C-3, Seven Wells Police Station (L & O),
Seven Wells, Chennai 600 001.

.. Respondents

Petition filed under Article 226 of the Constitution for the issuance of a Writ of Habeas Corpus directing the 2nd respondent to produce the body of the petitioner's daughter namely Selvi D.Soundarya, aged about 18 years, before this Court and pass such further orders.

For petitioner : Mr.N.Srinivasulu

For respondents : Mr.A.N.Thami Durai
Additional Public Prosecutor

O R D E R

(Order of this Court was delivered by S. MANIKUMAR, J.)

The alleged detainee, Selvi D.Soundarya, aged 18 years, is the daughter of the petitioner. Apart from her, the petitioner has got two daughters and a son. Detenue, Selvi.D.Soundarya, had discontinued her education in the 12th Standard. Her Date of Birth is 18.03.1996. The 1st respondent, Mr.John Paul, is aged 42 years and he is a drunkard.

2. It is the case of the petitioner that on 10.01.2015, his daughter, Selvi.D.Soundarya, had left home for job and thereafter, did not return. Hence, the petitioner was constrained to lodge a complaint, dated 10.01.2015, to the Inspector of Police, C-3 Seven Wells Police Station (L & O), 2nd respondent herein and C.S.R.No.18/CSR/C3 (L&O)/15 was assigned. Thereafter, the

petitioner was informed by the 2nd respondent that the 1st respondent has come down to C-3 Seven Wells Police Station (L & O), along with his daughter. Thereafter, he rushed to the Police Station and saw his daughter, who had informed him that on 10.01.2015, about 9.00 A.M., the 1st respondent has come with a group of persons in Autos and picked her up, against her will. It is also his contention that performance of marriage was against her will.

3. The petitioner has further alleged that the Inspector of Police, C-3 Seven Wells Police Station (L & O) has taken his signatures in blank white papers. Contending inter alia that the alleged detainee, Selvi.D.Soundarya, has been illegally detained on 10.01.2015, writ of Habeas Corpus has been filed.

4. The alleged detainee is produced before us. When we enquired her, she admitted that the 1st respondent was her neighbour. According to her, marriage was performed in a Church at Adyar, on 10.01.2015, in the presence of 1st respondent's relatives. She has further stated that there was no priest in the Church. Though parents took the alleged detainee for some time, the detainee, Selvi.D.Soundarya, is not willing to go with them.

5. Learned counsel for the petitioner submitted that procedure contemplated for solemnizing the marriage, has not been followed. Scope of Writ of Habeas Corpus, is to ascertain, as to whether, there is any illegal detention or not. Enquiry with the alleged detainee does not indicate that there is an illegal detention.

6. In addition to the above, perusal of CD file No.C.S.R.No.18/CSR/C3 (L&O)/15, shows that the petitioner, his wife, Elizabeth and other relatives, were present in C-3 Seven Wells Police Station (L & O) and given statements that they would not disturb the detainee, as she is a major. The alleged detainee has also given a statement, stating that there is no illegal detention. From 11.01.2015, there is no complaint against the Inspector of Police, C-3 Seven Wells Police Station (L & O), 2nd respondent herein, to the effect that signatures have been obtained on the blank white papers.

7. As the alleged detainee, has denied illegal detention, this Court is not inclined to issue any Writ of Habeas Corpus and hence, this petition is dismissed.

Sd/-
Deputy Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

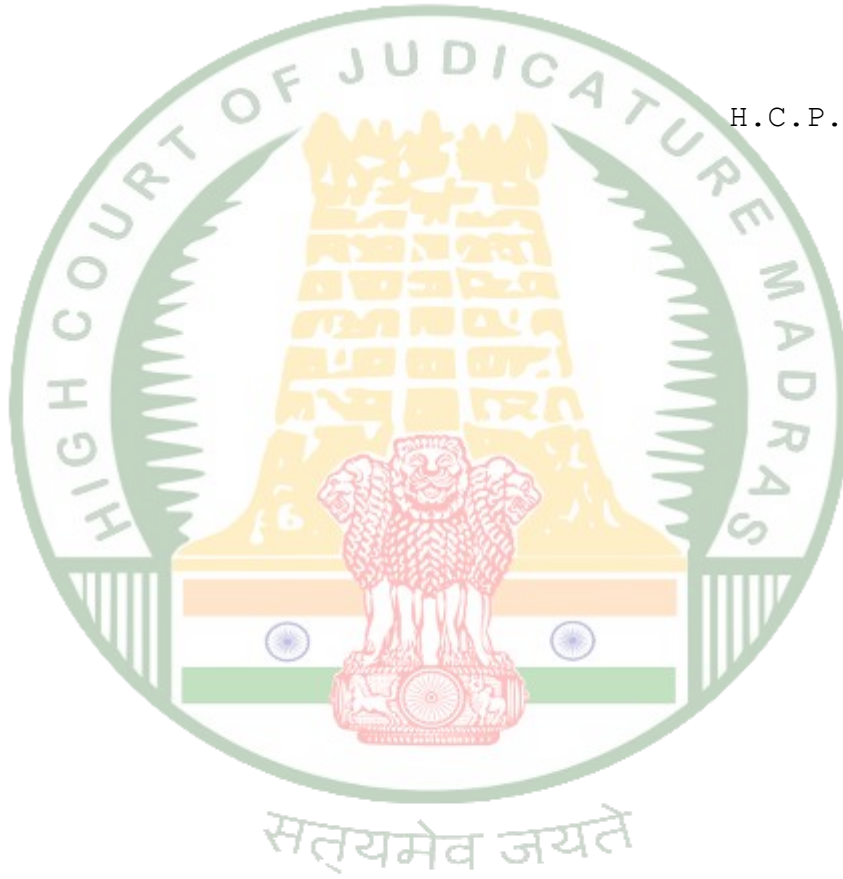
1. Inspector of Police,
C-3, Seven Wells Police Station (L & O),
Seven Wells, Chennai 600 001.

2. The Additional Public Prosecutor,
High Court, Madras.

+1 cc to Mr. J. Ramesh, Advocate, SR.7259.

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H.C.P.No.499 of 2015



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