

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2015

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THE HONOURABLE DR.JUSTICE **S.TAMILVANAN**
AND
THE HONOURABLE MR.JUSTICE **C.T.SELVAM**

H.C.P. No.2577 of 2014

S.Gubendiran

... Petitioner

-v-

1.The Commissioner of Police,
Salem Corporation, Salem.

2.The Inspector of Police,
Kondambatti Police Station,
Salem Corporation, Salem.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to produce the body of the daughter of the petitioner, namely G.Soundarya, aged 17 years, before this Court and to set at liberty

For Petitioner : M/s.S.Meenakshi
For Respondents : Mr.A.N.Thambidurai,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by **S.TAMILVANAN,J.**)

When the petition was listed on 25.06.2015, there was no representation for the petitioner and the same was dismissed for non-prosecution. On representation being made by the learned counsel for the petitioner today, the order of dismissal dated 25.06.2015 passed

by this Court is set aside and the Habeas Corpus Petition is restore to file and the alleged detainee G.Soundarya, is secured and produced before this Court by the respondent police.

2.This petition has been filed by the petitioner/father of the detainee, G.Soundarya, aged about 18 years, to cause production of the detainee, before this Court.

3. On enquiry, the detainee stated that she is a major and she married with one Ashok, who is also present before this Court. In support of her contention, a Xerox copy of the Transfer Certificate has been produced before this Court. As per the Transfer Certificate, she has completed 18 years. Being a major, she has a fundamental right to decide her life as she is not willing to go along with the petitioner and there is no illegal detention. It is open to the petitioner to work out his remedy before the appropriate Court, if law permits.

4. In view of the categorical statement made by the detainee, nothing further remains to be considered in this habeas corpus petition. Accordingly, the Habeas Corpus Petition is closed.

(S.T.,J.) (C.T.S.,J)
27.07.2015

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To

1.The Commissioner of Police,
Salem Corporation, Salem.

2.The Inspector of Police,
Kondambatti Police Station,
Salem Corporation, Salem.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

S.TAMILVANAN, J
and

C.T.SELVAM, J

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