

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.1.2015

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P.No.3762 of 2014

Kathirvel .. petitioner/ Father of the detainee
vs.

1. The State rep by
Superintendent of Police
Office of Superintendent of Police
Kancheepuram District
 2. State rep by Sub-Inspector of Police
G-8, Chittamur Police Station
Cheyyur Taluk, Kancheepuram District
 3. Murugan
son of Marimuthu
Mariamman Koil Street
Perunkaranai village and post
Cheyyur Taluk
Kancheepuram District.
- .. Respondents

Habeas Corpus Petition under Article 226 of the Constitution of India has been filed for a writ of Habeas Corpus directing the respondents to produce the body or person of the detainee Kalaimathi before this Court and set her at liberty.

For petitioner : Mr.S.Arokiamaniraj

For Respondents: Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This Habeas Corpus Petition has been filed to direct the respondents to produce the detainee, namely, Kalaimathi, before this Court and set her at liberty.

2. The petitioner is the father of the detainee. It has been stated in the petition that the detainee was the 2nd year student of

engineering in Karpagavinayaga College of Engineering and Technology at GST Road, Chinnakolapakkam, Maduranthagam Taluk, Kanchipuram District. On 20.12.2014, the detainee went to the college from her home and she did not return. Therefore, the petitioner went to the college and on enquiry, he was informed that all the students left the college after the college time was over. Thereafter, the petitioner searched his daughter in all his relatives' houses and he found her nowhere. Finally, the petitioner came to know that the third respondent had kidnapped his daughter. Therefore, the petitioner lodged a complaint with the Sub Inspector of Police, Kancheepuram District, the second respondent herein. The said complaint was registered and the second respondent Police issued CSR No.254 of 2014, on the same day. Since no effective steps had been taken by the second respondent Police, the petitioner had filed the present Habeas Corpus Petition.

3. Today, when the matter is taken up for hearing, the detainee was produced before us by the second respondent Police. On enquiry, the detainee stated that she is a major and she produced the Transfer Certificate. As per the said certificate her date of birth is 30.5.1996 and has completed 18 years. Hence, she is a major as on the date. She further stated that she had gone with the third respondent to whom she got married and she expressed her unwillingness to go with her parents. However, she expressed her willingness to go with the third respondent.

4. In such circumstances, as the detainee is a major and since she expressed her unwillingness to go with her parents, she is permitted to go as per her wish. As no further orders are necessary, we find it appropriate to close the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Deputy Registrar
Dated:17.2.15

True Copy

Sub Assistant Registrar

To:

1. The Superintendent of Police
Office of Superintendent of Police
Kancheepuram District.

2. The Sub-Inspector of Police
G-8, Chittamur Police Station
Cheyyur Taluk, Kanchepuram District.

+1 cc to Mr.S.Arokia Maniraj, Counsel for the Petitioner, SR.4366.

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