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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P. (MD) No.1789 of 2015

Nagaraj

.. Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Chinnamanoor Police Station,
Chinnamanoor,
Theni District.

3.Surya Prakash

4.Ramar

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to produce the detenu of the petitioner's daughter namely Nageswari D/o.Nagaraj aged about 19 years before this Court.

For Petitioner : Mr.D.Arul Joseph

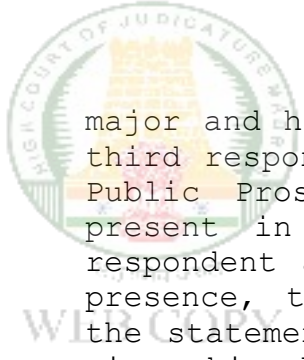
For RR - 1 & 2 : Mr.R.Ramachandran
Additional Public Prosecutor

O R D E R

(Order of the Court was made by P.R.SHIVAKUMAR, J.)

The petitioner Nagaraj has brought forth this Habeas Corpus Petition alleging that his daughter Nageswari aged about 19 years who was studying in the second year B.Tech., course in an Engineering college at Coimbatore failed to return home on 09.11.2015, pursuant to which, a complaint was lodged with the police and that the petitioner suspects abduction and illegal detention of his daughter by the respondents 3 and 4 herein.

2.Mr.R.Ramachandran, learned Additional Public Prosecutor who takes notice on behalf of respondents 1 and 2 submits that based on the complaint of the petitioner dated 09.12.2015, an investigation was conducted; that on the same day Nageswari, daughter of the petitioner along with Surya Prakash came to the police station and that on enquiry they submitted to the effect that they fell in love with each other and they got married. It is the further submission of the learned Additional Public Prosecutor that Nageswari made it clear that, being a



major and having married the third respondent, she wanted to go with the third respondent. It is the further submission of the learned Additional Public Prosecutor that when the third respondent and Nageswari were present in the police station, the respective parents of the third respondent and Nageswari were called to the police station and in their presence, they made such statements. The petitioner also after hearing the statements made by his daughter gave a statement to the effect that since his daughter had opted to go with the third respondent, he would not press for any action to be taken on his complaint.

3.The second respondent has also produced the CD file for our perusal. The CD file also contains the statements of third and fourth respondents and also the statement of Nageswari besides the statement of the petitioner. Suppressing the said facts, with ulterior motive, the petitioner seems to have approached this Court with the present Habeas Corpus Petition.

4.The Habeas Corpus Petition does not even merit admission and the same deserves to be dismissed. Though the petition is a fit one for imposing cost for filing the same suppressing the facts, accepting the request made by the learned counsel for the petitioner, we show leniency in not imposing cost.

5.The Habeas Corpus Petition is dismissed accordingly.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Chinnamanoor Police Station,
Chinnamanoor,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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