

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2016

Coram:

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.112 of 2016
and CrI.M.P.No.1893 of 2016

Shanmugam .. Petitioner
vs.
State
rep. by the Inspector of Police
Vaniyambadi Town Police Station
Vellore District. .. Respondent

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondent police to produce the body of the petitioner's daughter, by name, Shanthini, D/o.Shanmugam, aged about 19 years, before this Court and set her at liberty.

For petitioner :Mr.G.Nirmalkrishnan
For respondent :Mr.V.M.R.Rajendran,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by M.JAICHANDREN,J)

This Habeas Corpus Petition has been filed before this Court by the father of the detainee praying that this Court may be pleased to issue a Writ of Habeas Corpus, to direct the respondent police to produce the detainee, namely, Shanthini, aged about 19 years, S/o.Shanmugam, before this Court and set her at liberty.

2. The petitioner has stated that he is a coolie engaged in cultivation. The detainee, namely, Shanthini, is his daughter and she is aged about 19 years. She has been pursuing B.B.A.Course in Islamia Girls College, Vaniambadi. On 22.12.2015, she had gone missing. Hence, the petitioner had approached the respondent police and had lodged a complaint, in connection with which, a case in Crime No.408 of 2015, for ''Woman Missing'', has been registered by the respondent police, on 23.12.2015. However, no steps had been taken by the respondent police to

trace the detainee. Hence, the petitioner has preferred this Habeas Corpus Petition.

3. Today, when the matter had been listed for hearing, the detainee, as well as her parents, were present before this Court. On enquiry, the detainee had stated that she had been abducted by one Balamurugan. She is 19 years old. Her date of birth is 26.05.1997. She had further stated that she has been pursuing B.B.A. Course in Islamia Girls College, Vaniambadi. While so, one Balamurugan had abducted her and forced her to marry him, on 23.12.2015, at Guduvancherry. The ceremonies said to have been performed had been conducted, without her consent. She had further stated that she wants to go with her parents. She had further stated that she had been forced to sign some documents, the contents of which she is not aware of. As the detainee is a major and as she is willing to go along with her parents, who are present before this Court, we find it appropriate to set her at liberty, and to permit her to go along with her parents, as per her wish.

4. In the facts and circumstances of the case, we deem it appropriate to dismiss the petition and accordingly, the Habeas Corpus Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. If the detainee or her parents request the police concerned to grant them police protection, it is for the police concerned to grant the same, if they find it necessary.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

paa
To

1.The Inspector of Police
Vaniyambadi Town Police Station
Vellore District.

2.The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.G.Nirmal Krishnan Advocate sr.11467

H.C.P.No.112 of 2016

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