

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1552 of 2016

K.Ravi .. Petitioner
vs.

1.The Inspector of Police,
HUDCO Police Station,
Hosur,
Krishnagiri District.

2.M.Sudharshan

3.Muthu Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents 1 to 3 to produce the corpus of the detainee Rinisha from the illegal custody of the second and third respondents before this Court and set her at liberty.

For Petitioner ... Mr.S.Doraisamy

For R.1 ... Mr.V.M.R.Rajentren,
Additional Public Prosecutor

For RR.2 & 3 ... Mr.Manoj Sreevatsav

O R D E R

(The order of the Court was made by S.NAGAMUTHU.,J)

The petitioner is the father of one Ms.Rinisha, whose date of birth is 08.11.1993. According to the petitioner, she has been found missing from 04.04.2016 onwards. In this regard, the petitioner has made a complaint to the first respondent. Since, the detainee was not secured, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the first respondent; the learned counsel for the respondents 2 & 3 and we have also perused the records carefully.

3. Earlier, when this Habeas Corpus Petition came up for hearing before this Court, on 01.08.2016, it was represented by the learned counsel for the respondents 2 & 3 that the second respondent has married the detainee and both of them filed a petition in CrI.O.P.No.13885 of 2016 before this Court, seeking a direction to the Police for bandobast. The learned counsel would further submit that in pursuance of the order passed by this Court, the detainee and the second respondent appeared before the Deputy Commissioner of Police, Anna Nagar, Chennai on 04.07.2016 and made statements that they married on 23.06.2016 and they have been living happily as husband and wife.

4. Despite the above statements made, the learned counsel for the petitioner submitted that the petitioner has got unconfirmed information that the detainee has been illegally detained against her wish by the respondents 2 & 3. As a matter of fact, the petitioner even went to the extent of filing an affidavit undertaking to pay cost of Rs.25,000/-, if the allegations are found to be false.

5. Today, when the Habeas Corpus Petition was taken up for hearing, the detainee and the second respondent appeared. The petitioner and his wife also appeared before this Court. The detainee told us that she has married the second respondent herein, on her own volition on 23.06.2016 and she has been living happily with him as his wife. She has further confirmed that she along with the second respondent herein earlier filed a petition in CrI.O.P.No.13885/2016 before this Court and also appeared before the Deputy Commissioner of Police, Anna Nagar, Chennai and made statements about the above facts. The said statement of the detainee is recorded. The petitioner and his wife were allowed to speak to the detainee in open Court. The detainee spoke to her father and mother and to them also, she told that she is willing only to go and live with the second respondent, as his wife.

6. In view of the above position, since, we are satisfied that there is no illegal detention of the detainee, no further direction as prayed for by the petitioner could be granted. Hence, the Habeas Corpus Petition deserves to be dismissed. Though, the petitioner on an earlier occasion, submitted to this Court that he would go to the extent of paying cost, we are not inclined to impose cost on the petitioner after having heard the parties and after having heard the plight of the petitioner and his wife.

7.In the result, the Habeas Corpus Petition is dismissed, leaving it open for the detainee to chose her own way of life.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
HUDCO Police Station,
Hosur,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.S.Doraisamy, Advocate Sr.44030

H.C.P.No.1552 of 2016

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srg 26/08/2016

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