

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.1807 of 2016

S.Sundaram

...Petitioner

Vs.

1.State Rep. By
Inspector of Police,
E-3, Saravanapatti Police Station,
Coimbatore.

2. The Commissioner of Police,
Coimbatore City.
(R2 impleaded as respondent as per order
of this Court dated 26.09.2016 in
Crl.M.P.No.10111/2016)

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondent to produce the body of the kidnapped girl Loga Priya Darshini aged about 18 years and set at liberty.

For Petitioner : Mr.A.Prabhakaran
For Respondents : Mr.V.M.R.Rajentren,
Addl. Public Prosecutor

ORDER

[ORDER OF THE COURT WAS MADE BY T.MATHIVANAN, J.]

This petition is filed under Article 226 of the Constitution of India by the petitioner S.Sundaram, who is none other than the father of the victim girl, S.Loga Priya Dharshini, alleging that she was studying B.Sc.Computer Science, second year at Ramakrishna Women College at Coimbatore. That on 27.07.2016, she went to college at 8.00 a.m. and thereafter, she had not returned home even after 5.00 p.m. He had, therefore, lodged a complaint on 28.07.2016 with the respondent police and based on his complaint, a case in Crime No.464 of 2016 was registered.

However, the respondents have not taken effective steps to search for the girl, and therefore, the petitioner, being the father, is constrained to file this petition.

2. Today when the matter is taken up for hearing, the respondent police has produced the girl viz., Loga Priya Dharshini.

3. A perusal of the Birth Extract issued by Thammapatty Town Panchayat, Salem District, it would go to show that her date of birth is 15.08.1988 thus it is made clear that as on today, she completed 18 years 4 months and 4 days and therefore, we find that she has attained majority. When we enquired the girl and she has represented that she is willing to go along with one Prasanth. However, the petitioner, who is the father of the girl, is not present today. Since she has attained majority, we find that it may be better in the interest of justice, to let her go as per her wishes and since she has stated that she is willing to go along with the above said Prasanth, we allow her to go along with him. He is also physically present before this Court and expressing his willingness to take her.

4. Accordingly, the Habeas Corpus Petition is disposed of with the above direction, as no further order is required.

Sd/-

Assistant Registrar(CS III)

//True Copy//

vsm

Sub Assistant Registrar

To

1. The Inspector of Police,
E-3, Saravanapatti Police Station,
Coimbatore.
2. The Commissioner of Police,
Coimbatore City.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Prabakaran, Advocate, S.R.No.74012

LRS (CO)
RS (07/02/2017)

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