

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HONOURABLE MR . JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

H.C.P.No.182 of 2016

S.Victoria

... Petitioner

-Vs-

1.The Superintendent of Police
Nagapattinam District
Nagapattinam.

2.The Inspector of Police
Mailaduthurai Police Station
Nagapattinam District.

3.Mohamed Ajithkhan
4.Thana @ Thanasekaran
5.Rahu @ Rahunathan
6.Manibharathi

.... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of direction, in the nature of Writ of Habeas Corpus, directing the 2nd respondent to produce the detainee Sneha, daughter of Subramniyan (Late) before this court and set her at liberty.

For Petitioner : Mr.K.Murugesan

For RR1 and 2 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

R6 : M/s.Akila

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

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of respondents 1 and 2.

2. This Habeas Corpus Petition has been filed praying, that this Court may be pleased to direct the second respondent, to produce the

detenue, namely, Sneha, daughter of Subramaniyan, aged about 19 years, before this Court and to set her at liberty, forthwith.

3. The petitioner has stated that the detenue, who was studying B.C.A. Course, at Dharmapuram Arts College, Mailaduthurai, had been missing, from 17.12.2015. Therefore, the petitioner had lodged a complaint, before the second respondent. Initially, the case had been taken, as CSR No.1120/2015. Thereafter, the complaint had been registered, in Cr.No.847/2015, on 20.12.2015, as a "woman missing" case. Since the second respondent had failed to take effective steps, the petitioner had preferred the present Habeas Corpus Petition, before this Court.

4. Today, when the matter had been listed for hearing, the second respondent police had produced the detenue, before this Court. The detenue had stated, that she had married one Mohammed Ajithkhan, the third respondent herein, on 25.12.2015, at Thiruthani Murugan temple. She had further stated that after the said marriage, she had changed her name as Samira Banu. She had further stated that her date of birth is 15.01.1996.

5. On the submissions made by the learned counsels, appearing on behalf of the parties concerned, and on a perusal of the records available, we are of the considered view, that the detenue, who is a major, had chosen to marry the third respondent, on her own volition. Therefore, we do not find any cause or reason to grant the relief, as prayed for by the petitioner. Accordingly, this Habeas Corpus Petition stands dismissed. The detenue is permitted to go along with her husband, as per her wish.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of Police
Nagapattinam District, Nagapattinam.

2.The Inspector of Police
Mailaduthurai Police Station
Nagapattinam District.

3.The Public Prosecutor,
Madras High Court, Chennai.

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