

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR. JUSTICE S. BASKARAN

H.C.P.No.2094 of 2016

Maharani

... Petitioner

Vs

1. The Superintendent of Police,
Villupuram District
2. The Inspector of Police,
Thiyagadurgam Police Station,
Villupuram.
3. Ganapathy
4. Ayyanar

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of Bhavani, daughter of Dhanasekaran, aged about 19 years, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.N.Subramani

For Respondents : Mr.V.M.R.Rajendren,
Additional Public Prosecutor
for R1 and R2

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O R D E R
(Order of the Court was made by S.BASKARAN J.)

This habeas corpus petition has been filed by the mother of the detainee, namely, Bhavani, aged about 19 years, praying that this Court may be pleased to direct the respondent police to produce her daughter, before this Court, and to set her at liberty.

2. It has been stated that the detainee, aged about 19 years, has been missing from 17.9.2016. Therefore, the petitioner had preferred a complaint before the respondent police. The said complaint had been registered, in Crime No.336 of 2016, under Section 366 of the Indian Penal Code. Since no effective steps had been taken, to trace the detainee, the petitioner has come forward with the present habeas corpus petition before this Court.

3. Today, when the matter was taken up for hearing, the respondent police had produced the detainee before this Court. The mother of the detainee was also present. On enquiry, the detainee has stated that she is aged 20 years and she married, on her own volition, the third respondent herein, viz., Ganapathy, at Sivan Kovil, in Ilavannarkottam. She has given a statement before the Judicial Magistrate, Kallakurichi, on 17.10.2016., in CrI.M.P.No.8868 of 2016, wherein it has been categorically stated that she was not kidnapped by anybody and she married the third respondent on her own wish. She has also produced the Secondary School leaving certificate, wherein, her date of birth is stated as 19.09.1996.

4. Considering the facts and circumstances of the case and also the fact that the detainee, a major, has expressed her willingness to go along with the third respondent, whom she had married on her own, we are inclined to close the habeas corpus petition, setting the detainee at liberty, to go along with the third respondent, as per her wish. Accordingly, the habeas corpus petition stands closed.

Sd/-
Assistant Registrar(J)

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To

Sub Assistant Registrar

1. The Superintendent of Police,
Villupuram District
2. The Inspector of Police,
Thiyagadurgam Police Station,
Villupuram.
3. The Additional Public Prosecutor
High Court, Madras.

H.C.P.No.2094 of 2016

CA(CO)
CA(21/11/2016)