

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED 23.12.2016

CORAM

THE HON'BLE Mr.JUSTICE M.JAICHANDREN

AND

THE HON'BLE Mr.JUSTICE T.MATHIVANAN

H.C.P.No.2460 of 2016

David Senthil Kumar

.... Petitioner

Vs

1.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2.State rep by
The Inspector of Police,
Walajabath Police Station,
Walajabath,
Kancheepuram District.

3.Siva @ Sivaguru

.... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus directing the 2nd respondent herein to produce the detenue by name Jayanthi daughter of Ravanappan, Christian, aged about 29 years, sister of the petitioner herein before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.J.Milton Arul Rajendran

For Respondent : Mr.V.M.R.Rajendran, APP

O R D E R

[Delivered by T.MATHIVANAN, J.]

This petition has been filed praying that this Court may be pleased to direct the second respondent to produce the detenue Jayanthi, aged about 29 years and to set her at liberty.

2. Heard Mr.J.Milton Arul Rajendran, learned counsel

appearing on behalf of the petitioner, as well as Mr.V.M.R.Rajendran, learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

3. The petitioner herein is none other than the elder brother of the detenue Jayanthi and filed this petition, seeking a direction to the second respondent police to produce the detenue, before this Court and set her at liberty. It is stated that the third respondent herein had already married two women and having two children, through his first wife. Now, after giving false promise to the detenue, had developed illicit intimacy with her and subsequently, taken her out of parental house. In this connection, a complaint was lodged before the second respondent police on 13.11.2016 and since no action was taken, the petitioner has approached this Court by filing this petition.

4. The second respondent herein now has produced the detenue before this Court. On enquiry, she has stated that she knew very well about the third respondent and that he had already married and however, she had gone along with him, on her own volition. Further, she has stated before this Court that she is neither under the illegal custody of the third respondent or under anybody and expressed her willingness to go along with the third respondent and does not want to go along with the petitioner, who is her elder brother.

5. In view of the above fact, we find that since the detenue is aged about 30 years and she got married with the third respondent on 13.11.2016, in the interest of justice, we find it better to send her according to her own whims and fancies. Since no further orders are necessary, the Habeas Corpus Petition stands closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

1.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

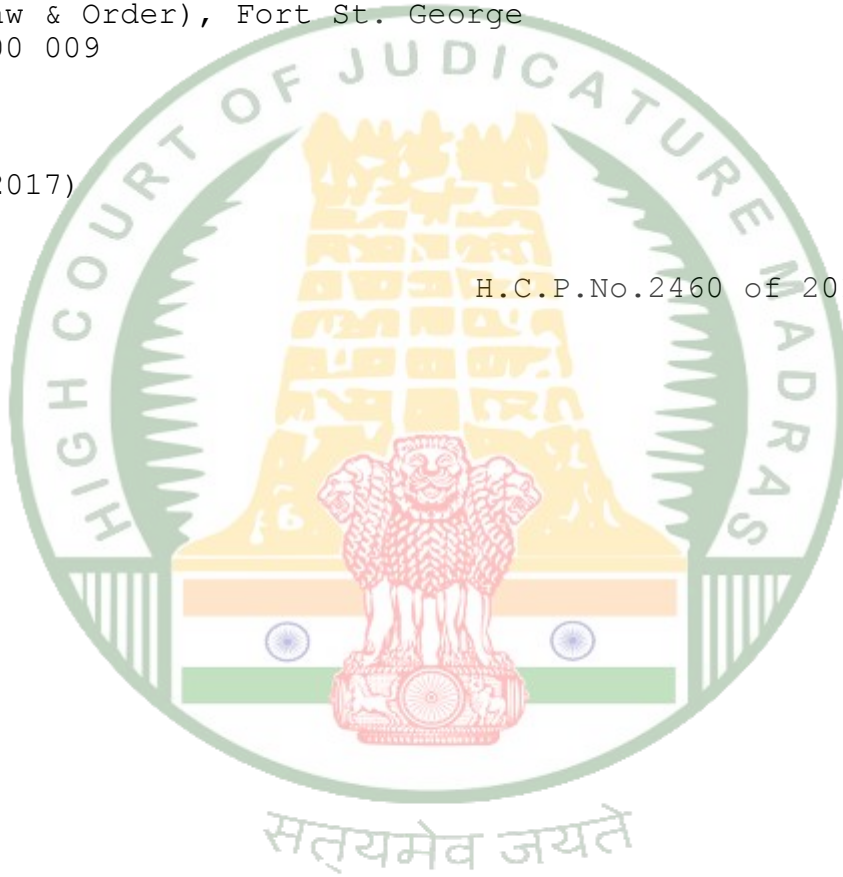
2.State rep by
The Inspector of Police,
Walajabath Police Station,
Walajabath,
Kancheepuram District.

3 The Public Prosecutor
High Court, Madras

4 The Joint Secretary to Government
Public (law & Order), Fort St. George
Chennai 600 009

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