



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P (MD) No.1140 of 2016

S.Jaisankar

.. Petitioner

Vs.

1.The Superintendent of Police,
The Office of Superintendent of Police,
Collector Office Road,
Nearby Tamil University,
Thanjavur District - 613 010.

2.The Deputy Superintendent of Police,
The Office of the Deputy Superintendent of Police,
Thiruvaiyaru Taluk,
Thanjavur District.

3.The Inspector of Police,
Thirukatuppalli Police Station,
Thirukatuppalli,
Thanjavur District.
(Crime No.175/2016).

4.Arumugham

5.Subbulakshimi

6.A.Manojkumar

7.Ayyavu

8.Sankar

9.M.Jothipriya

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 to 3 to produce the body of the detenu/S.J.Aarthi, the daughter of petitioner, aged 18 years, before this Court and set her at liberty.



For Respondents 1 to 3 : Mr.A.Ramar,
Addl. Public Prosecutor.

For Respondent No.7 : Mr.V.Chandrapandi

For Respondents 5 and 8 : Mr.S.Prabhu

For Respondent No.9 : No appearance

ORDER

[Order of the Court was made by S.NAGAMUTHU, J]

The petitioner is the father of one S.J.Aarthi, whose date of birth is 08.04.1998. On 08.04.2016, she became a major. According to the petitioner, she has been found missing from 26.07.2016 onwards. In this regard, on a complaint made, the third respondent has registered a case also. Since the detainee has not been secured, the petitioner has come up with this Habeas Corpus Petition.

2.Today when the matter was taken up for hearing, the detainee was produced by the third respondent. The sixth respondent Mr.Manojkumar also made appearance, on his own. The petitioner made appearance alongwith his counsel.

3.We have heard the parties, their counsel and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

4.The detainee told us that the marriage between her and the sixth respondent was solemnized on 27.07.2016. The sixth respondent would also admit the same. The detainee and the sixth respondent would submit that they have been living as husband and wife from that day onwards. When We enquired the detainee as to whether she would like to go with the petitioner, she told that she wants to live both with her father and with the sixth respondent. In our considered view, it is a wisdom and liberty of the detainee to decide about her future course. Therefore, We set her at liberty. The Habeas Corpus Petition stands, accordingly, disposed of.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
The Office of Superintendent of Police,
Collection Office Road,
Nearby Tamil University,
Thanjavur District - 613 010.



2.The Deputy Superintendent of Police,
The Office of the Deputy Superintendent of Police,
Thiruvaiyaru Taluk,
Thanjavur District.

3.The Inspector of Police,
Thirukatuppalli Police Station,
Thirukatuppalli,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.R.Sureshkumar, Advocate, SR.No.53831

smn
RL/6C/3P/SK/SKN/26/9/2016

ORDER MADE IN
H.C.P (MD) No.1140 of 2016

16.09.2016