



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE J. NISHA BANU

H.C.P. (MD) No. 1541 of 2016

Subramanian

... Petitioner

Vs.

1. The Commissioner of Police,
Trichy City.
2. The Inspector of Police,
Edamalaipatti Pudur Police Station,
Trichy City.
3. Vijay @ Arunkumar
4. S. Shanmugaraja
5. Viswanathan @ Thangavel

... Respondents

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India to direct the first and second respondents to produce the body or person of petitioner's daughter namely SUGANYA @ VIJAYALAKSHMI, aged about 21 years D/o Subramanian before this Court and set her at liberty.

For Petitioner : Mr. B. Jameel Arasu
For Respondents : Mr. A. Ramar
Additional Public Prosecutor
for R.1 and R.2
: Mr. M. Boopathy Pandian
for R.3 to R.5

ORDER

(Order of this Court was delivered by M. SATHYANARAYANAN, J.)

The petitioner is the father of the detinue namely Suganya @ Vijayalakshmi, who is aged about 21 years and according to him, she was employed in the Vinnar Super Market owned by the fourth respondent and she has went for work at about 09.00 a.m., on



02.11.2016, but she did not return. Therefore, the petitioner has lodged a complaint on the file of the second respondent, based on which, a case in Cr.No.282 of 2016 was registered for "Women Missing". The petitioner later on came to know that the fourth respondent had helped to kidnap his daughter and since no action has been taken even after the registration of the case, he came forward to file this Habeas Corpus Petition before this Court.

2. When the case was listed for hearing, the learned Additional Public Prosecutor accepted notice for the respondents 1 and 2 and seeks time to get instructions. Private notices were also ordered to the respondents 3 to 5.

3. When the matter is listed today, it is represented that the detinue has been traced and the detinue is admittedly a major and got married to one Arun, S/o Namachivayam and Pushpavalli at Sree Selva Mariyamman Temple, Chidambaram Estate, Pambanar Post, Peermade Idukki District, on 06.11.2016.

4. The detinue and Arun are present and this Court had made an enquiry and both of them would state that they loved each other and got married in the said temple on 06.11.2016 and leading matrimonial life as husband and wife and would further state that the marriage will be registered very soon.

5. A perusal of the typed set of documents would disclose that as per the transfer certificate issued by the Headmistress, Little Flower Higher Secondary School, Crawford, Tiruchirappalli would disclose that the detinue was born on 16.12.1994 and therefore, she has completed 21 years of age. The result of the enquiry made by this Court with the detinue would *prima facie* disclose that she, on her own volition, eloped with Arun, S/o Namachivayam and Pushpavalli and got married on 06.11.2016.

6. In the light of the above facts and circumstances, it cannot be said that the detinue is in illegal custody. Therefore, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner of Police,
Trichy City.

2. The Inspector of Police,
Edamalaipatti Pudur Police Station,
Trichy City.

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

+ 1 CC TO M/S.B.JAMEEL ARASU, ADVOCATE IN SR No. 78324

+ 1 CC TO M/S.T.INDRACHITHU, ADVOCATE IN SR No. 74995

SSL

TE/SS-3 : 20/12/2016 : 3P/6C

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01.12.2016