



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.79 of 2016

S.Veerapandi

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.

3.Bhuvanesh

4.Manoharan

5.Prema

6.Pandi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the person or body of Nivetha, D/o.S.Veerapandi, aged about 22 years, daughter of the petitioner from the illegal custody of the third respondent before this Court and set her at liberty.

For petitioner : Mr.R.Babu Jaganath

For respondent Nos.1&2 : Mr.R.Ramachandran

Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR, J.]

This Habeas Corpus Petition has been filed for issuance of a Writ of Habeas Corpus directing the second respondent to produce Nivetha, aged about 22 years, the daughter of the petitioner.

2. After making an attempt to convince the Court for the admission of the Habeas Corpus Petition by advancing arguments, the learned counsel for the petitioner sought the leave of the Court to withdraw the Habeas Corpus Petition. Hence, this Court asked the learned counsel for the petitioner to make an endorsement for the dismissal of the Habeas Corpus Petition as withdrawn. But, the learned counsel for the petitioner chose to make an endorsement not seeking permission simplicitor for the withdrawal of the Habeas Corpus Petition, but seeking permission to withdraw the Habeas Corpus Petition without prejudice to the right of the petitioner. What is that right without prejudice to which the Habeas Corpus Petition is sought to be withdrawn has not been elaborated or clarified. Hence, we deem it appropriate to deal with the Habeas Corpus Petition regarding its admissibility on merits.



3. On perusal of the affidavit of the petitioner and the contents of the complaint lodged with the second respondent, based on which a "Woman Missing Case" came to be registered in Crime No.5 of 2016 on the file of Thiruppullani Police Station, it is quite obvious that the daughter of the petitioner was having a love affair with the third respondent and she eloped with him. The petitioner has also chosen to make the parents of the third respondent and also one Pandi, the President of Koravalli Panchayat as party respondents in the Habeas Corpus Petition and rank them as respondents 4, 5 and 6 respectively. During the course of hearing, the learned counsel for the petitioner admitted the fact that the daughter of the petitioner was having a love affair with the third respondent and he advised her daughter not to continue the affair, because the third respondent was younger than the daughter of the petitioner, but despite such advise, his daughter chose to elope with the third respondent. It is also the submission made by the learned counsel for the petitioner that not only the respondents 4 and 5, who are the parents of the third respondent, but also the sixth respondent, who is the President of Koravalli Panchayat, were supporting the third respondent and Nivetha, the daughter of the petitioner.

4. The document filed in the typed set of papers, namely, a copy of the transfer certificate of Nivetha, shows that she was born on 30.12.1994 and she has completed the age of 21 years. Since Nivetha is a major and she, on her own volition, eloped with the third respondent, as per the contention made by the petitioner himself, we do not find any prima facie case for the issuance of a direction in the nature of Habeas Corpus, as no case of either abduction or illegal custody has been made out. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
- 2.The Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

sm:AAl-mpa:5.2.2016:2p/4c

ORDER MADE IN
H.C.P (MD) No.79 of 2016
22.01.2016