

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.329 of 2017

K. Gnanasoundari

Appellant

Vs

1. The Superintendent of Police,
O/o Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai – 606 001
2. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District
3. S. Prabhu

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India directing the second respondent to produce the petitioner's daughter namely minor K. Rajarajeshwari, D/o Kumaresan aged about 18 years residing at Avarankattu Street, Tiruvannamalai Town, Tiruvannamalai Taluk and District from the illegal custody of third respondent before this Court and set her at liberty.

For Appellant : Mr.S. Kumara Devan
For R.1 & R.2 : Mr.V.M.R. Rajentren
Addl.Public Prosecutor
For R.3 : Prabhu (in person)

ORDER

[Judgment of the court was delivered by **ANITA SUMANTH,J.,**]

This Habeas Corpus Petition is filed by K. Gnanasoundari, mother of detenue by name K. Rajarajeshwari,. The petitioner would state that her daughter, aged about 18 years, was not found from 23.01.2017. On 23.01.2017, her daughter had informed her that she was going to meet her grandmother i.e., the petitioner's mother, residing at Elaruvi Village, Thirupattur. However, when she contacted her mother on the same day she was shocked to hear that her daughter had not gone there, but was missing. Enquiry among neighbours and relatives resulted in no information as to her whereabouts. She came to know that the third respondent, one Prabhu, had abducted her daughter promising to marry her, solely with the intention of having a physical

relationship. A complaint thus came to be lodged by her with the second respondent Inspector at Tiruvannamalai District.

2. When the matter was listed today, the detenue K. Rajarajeshwari, was produced before us. She would state that she was in love with the third respondent, had married him voluntarily on 23.01.2017 and they have been living as man and wife ever since. Per contra, the detenue's mother, would insist that her daughter was in fact, was taken against her will and that the third respondent would not be able to even support her.

3. The third respondent Prabhu also appeared before us. Though he initially stated that he was a Law student, studying in a Law College at Bengaluru, on further questioning, he confirmed that he was in fact not studying anywhere. However, he claims to be presently employed and drawing a monthly salary of Rs.12,000/-. He would state that he has been and would continue to live with the detenue as man and wife.

5. In view of the fact that the detenue is a major, who states that her relationship with the third respondent is voluntary, we do not find any illegal detention and this Habeas Corpus Petition is dismissed.

(S.N.J.,) (A.S.M.J.,)
07-03-2017

Speaking Order/Non-speaking order

Index : Yes/no

Internet : Yes/no

sr

To

1. The Superintendent of Police,
O/o Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai – 606 001
2. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District
3. The Public Prosecutor, High Court, Chennai.

S.NAGAMUTHU,J.
And
ANITA SUMANTH,J.,

sr

Order in
H.C.P.No.329 of 2017

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