

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HON'BLE MR.JUSTICE NOOTY. RAMAMOHANA RAO  
&  
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

H.C.P.No.890 of 2017

Mrs.S.Hemalatha

... Petitioner

Vs.

1. The State by  
The Inspector of Police,  
D-1, Tiruttani Police Station,  
Tiruttani, Tiruvallur District.

2. K. Loganathan

... Respondents

This Petition is filed under Article 226 of the Constitution of India, praying for issuance of writ of habeas corpus, directing the first respondent herein to produce the detainee the Petitioner's minor daughter S. Chythanya @ Chinni presently aged about 17 years, before this Hon'ble Court and set her liberty.

For Petitioner : Mr. V. Ramana Reddy

For Respondent - 1 : Mr.V.M.R.Rajentren  
Additional Public Prosecutor

For Respondent - 2 : Mr. J. Nissar Ahmed

ORDER

Order of the Court was delivered by Nooty.Ramamohana Rao,J.

This Writ Petition is instituted by the mother of a young girl, seeking Writ of Habeas Corpus, for production of her minor daughter, S.Chythanya @ Chinni, who, the mother suspected that the second respondent herein has abducted her from home.

2. Today, the learned counsel for the second respondent and also the Police at Tirutanni, have caused the production of the girl S.Chythanya @ Chinni before us. We had prolonged session of interaction with her. She narrated during the said course of interaction that, due to unfavourable circumstances created at home, she has decided to lead an independent life on

her own, and consequently, she herself went out of her home in the early morning of 13th May, 2017, and the allegation that the second respondent has abducted her from out of her home, is far from true. Just because, the second respondent was behaving very friendly with the said girl S.Chythanya @ Chinni, according to her, the mother suspected that the second respondent might have abducted S.Chythanya @ Chinni. Whereas, the girl, who is very intelligent, as could be gauged from her 10th Class mark sheet, which reflects her securing 434 marks out of 500 informs us that, she went to the home of another friend by name Deepa, and it is that friend, who accommodated her all the while. Though the said friend Deepa advised S.Chythanya @ Chinni to go back to her home, or at least pass on information to her parents about her well being, S.Chythanya @ Chinni herself had taken a decision not to inform her parents, lest, they will come and disturb the peace and tranquillity of the inmates of Deepa, and would also force her to leave the house of Deepa and go along with the parents, which she (Chythanya) did not want to happen. Miss.S.Chythanya has also informed us that on 18.06.2017, she had completed 18 years of age, that appears to be correct from her Transfer Certificate, where, her date of birth is noted as '19.06.1999'. To verify the veracity of Miss Chythanya's statement, we have also interacted with her friend Deepa, who also appeared before us today and she corroborated what all S.Chythanya @ Chinni told us. We have had also interacted with both the parents of S.Chythanya @ Chinni, who are also present in the Court today, and though, at their request, we tried to counsel with S.Chythanya and persuade her to return to her parents house, we are helpless, as she is reluctant to do so.

3. Hence, we are of the firm opinion that the second respondent had not abducted Miss.Chythanya, as alleged by the writ petitioner, and on the other hand, Miss. S.Chythanya has left her home on 13.05.2017, early in the morning, entirely, out of her own volition, without their being any force/coercion/undue influence on her mind by any other third party. It is her reaction to the unfavourable circumstances prevailing at home, which, it appears made her to leave her home at such a young age. At any rate, now that S.Chythanya has completed 18 years of age and expressed her firm intention and desire to live calm and peaceful life entirely on her own terms. We are afraid that the relief, as sought for, in this Writ Petition cannot be granted, and accordingly, this Writ Petition stands dismissed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sd/mrr

To

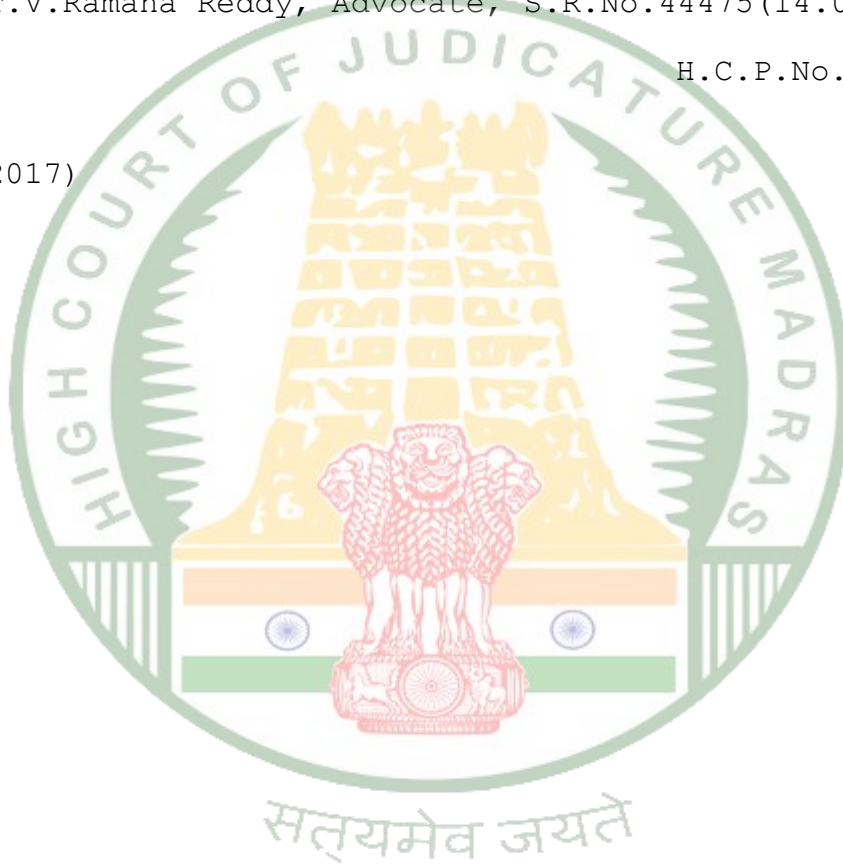
1.The Inspector of Police,  
D-1, Tiruttani Police Station,  
Tiruttani, Tiruvallur District.

2.The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.V.Ramana Reddy, Advocate, S.R.No.44475(14.07.2017)

H.C.P.No.890 of 2017

KGK(CO)  
CA(10/07/2017)



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