

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-06-2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
AND
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

HCP No.920 of 2017

Mr.G.Nandakumar .. Petitioner

vs.

1. State Represented by:
The Inspector of Police,
Kolathur Police Station,
Salem District.

2.The Superintendent of Police,
Salem District,
Salem.

3.Mr.Shankar .. Respondents

This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, directing the respondents to produce the petitioner's daughter Dhanapriya, D/o.Nandakumar, aged about 17 years before this Court and set her liberty forthwith.

For Petitioner : Mr.Dr.G.Krishnamurthy

For Respondents-1&2: Mr.V.M.R.Rajentran,
Additional Public Prosecutor.

ORDER

(ORDER OF THE COURT WAS MADE BY NOOTY.RAMAMOHANA RAO, J.)

Pursuant to the notice issued by this Court on 9.6.2017, the Superintendent of Police, Salem, has got traced the alleged detainee Dhanapriya, D/o.Nandakumar, aged about 17 years and produced her before us today. Her parents Nandakumar and Shanthi are also present in the Court today.

2. Though the writ petitioner has not disclosed in the affidavit filed in support of this Habeas Corpus Petition, that he is working for a State owned undertaking, but however, he informs us, while interacting with us, that he is working with one of the State Public Sector Undertakings, while at the same time, taking care of agricultural operations of his lands.

3. It appears that the writ petitioner has two children, one son and one daughter, viz., detainee Dhanapriya. While the son has completed his B.E., Degree Course, the detainee has just now completed first year B.A., Degree Course from Vivekanandha College for Women, Unjanai, Tiruchengode, Namakkal District. In fact, she was admitted to a hostel because that would be protecting her adequately and also providing her the necessary opportunity to study well.

4. Ms.Dhanapriya has informed us that the third respondent Shankar, whom also the police have produced before us, has not abducted her. We are also

informed by the writ petitioner/father as well as the alleged detenu Dhanapriya that the third respondent Shankar is none other than the elder brother's son of the writ petitioner himself.

5. Incidentally, the mother of the third respondent Shankar is also related to the writ petitioner closely. The writ petitioner has also informed us that the families of the third respondent and the writ petitioner still maintain cordial relationship.

6. Hence, we are clearly of the view that the statement made by Ms.Dhanapriya that the third respondent has not abducted her in a Maruti 800 car bearing Registration No.KA-31-M-1817. But she herself requested Shankar to come and take her away from home because she was slightly depressed at that moment of time for certain other reasons, appears to be true and correct.

7. We have interacted with the girl Dhanapriya for considerable time. She appears to be fairly truthful and can articulate well. She impressed us that she is interested in pursuing her education further. She wants to pursue B.A. Degree 2nd and 3rd year Courses by joining one of those Colleges for women at Salem which is the nearby town to Mettur.

8. Dr.G.Krishnamurthy, learned counsel for the writ petitioner, has

pointed out that that may not be a very easy proposition because the writ petitioner has failed in two out of eight subjects in first year B.A. Degree Course. Further the College, where she is studying, is one of the best in the area. She is already admitted in the hostel attached to the College.

9. We see force behind the submissions of the learned counsel for the writ petitioner. Therefore, we direct the writ petitioner to pay the fee for the entire 2nd year to the College where the alleged detainee is studying as of now and also pay her entire hostel fee and intimate the said fact to the alleged detainee as well as the Superintendent of Police, Salem. Since we have believed the statement of the alleged detainee because of intrinsic truth, no further action is called for as against the third respondent.

10. As soon as such information is received, the police at Salem will ensure that the alleged detainee will go and get admitted to the hostel and pursue her education there. Till then, the present arrangement made of retaining the alleged detainee in YWCA, Salem is to be continued. Order copy shall be furnished to the opposite parties immediately.

11. With the above observations, the Habeas Corpus Petition is disposed of. No costs.

(N.R.R., J.) (S.M.S.,J.)
16-06-2017

Index:Yes/No.

Internet: Yes/No.

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Office to Note: Issue order copy by today itself.

To

1. The Inspector of Police,
Kolathur Police Station,
Salem District.
2. The Superintendent of Police,
Salem District,
Salem.

NOOTY.RAMAMOHA RAO, J.
AND
S.M.SUBRAMANIAM, J.

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