

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 19.06.2017
Coram

The Hon'ble Mr.Justice Nooty. Ramamohana Rao
&
The Hon'ble Mr.Justice S.M.Subramaniam

H.C.P.No. 931 of 2017

A. Kishore

...Petitioner

Versus

1. The Police Commissioner of Salem District,
Office of the Police Commissioner Office,
Salem,
Salem District.
2. The Inspector of Police,
Kannangkurchi Police Station,
Salem City,
Salem District.
3. Jayaraman

...Respondents

This Petition is filed under Article 226 of the Constitution of India, praying for issuance of writ of habeas corpus directing the respondents to forthwith produce the body of Pavithra (aged 22 years) daughter of Jayaraman, the third respondent and Bhuvana residing at No.1/33, Annamalai Nagar, 1st Street, Kannangnurichi, Salem City, Salem District before this Hon'ble Court and to set her at liberty.

For Petitioner : Mr. K. Selvaraj

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

For Respondent-3 : Mr.J.Suresh for
M/s..E.Ezhil Caroline

O R D E R

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

This Writ Petition is instituted by a 27 year old young person, seeking a Writ of Habeas Corpus, for causing the production of 22 year old daughter of the third respondent, Shri. Jayaraman, who is residing at Salem City.

2. On 09.06.2017, we entertained this Writ Petition, and acceded to the request of the learned Additional Public Prosecutor, who accepted notice on behalf of the respondents 1 and 2 in the matter, to secure necessary instructions with the help of a lady Police Officer at Salem City. Accordingly, the learned Additional Public Prosecutor secured necessary instructions, and in fact, he also caused the production of said individual before us on 16.06.2017. The third respondent also entered appearance in the matter on that day. We had interacted with the alleged detainee, and upon being informed of certain disturbing advancements made by the writ petitioner, we adjourned the matter to 19.06.2017, to enable the learned counsel for the petitioner to produce the writ petitioner before us.

3. Today, the learned counsel for the writ petitioner has caused production of the writ petitioner, Shri. A. Kishore, son of Thiru. A. Anand and his maternal uncle Thiru. Balasubramaniam also appeared before us. Both the writ petitioner and his uncle had interacted with us. We have indicated the virtue and necessity of maintaining decent relationship even with a friend. Accepting the said suggestion, the learned counsel for the writ petitioner has advised his client (writ petitioner) to delete all SMS messages from the phone, and also to delete all photographs of the alleged detainee preserved by him. The writ petitioner has accepted the same, and he has also filed an affidavit to that effect, for having deleted the same today. In the afternoon that affidavit is taken on record. The affidavit filed by the writ petitioner in the morning, assuring this Court that he will not, hereafter, contact the alleged detainee or her family members is also taken on record.

4. Accepting the earlier affidavit, and also the affidavit filed in the afternoon, we dispose of this Writ Petition holding that the detainee being a 22 year old girl and having passed B.A Degree, is entitled to stay and live with her parents on her own volition, and any such act of her cannot be viewed as an act of

detention by the third respondent, father of the alleged
detenue.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sd/mrr

To

1. The Police Commissioner of Salem District,
Office of the Police Commissioner Office,
Salem,
Salem District.
2. The Inspector of Police,
Kannangkurchi Police Station,
Salem City,
Salem District

+1 cc to M/s.K.Selvaraj Advocate sr 43050

+1 cc to M/s.E.Ezhil Caroline Advocate sr 42899

H.C.P.No. 931 of 2017

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