

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.2538 of 2016

K. Devan,Petitioner

Vs

1. The State rep. by its
Sub-Inspector of Police,
Elavanasurkottai Police Station,
Villupuram district,
Tamil Nadu.
2. Ambedkar,
3. Neelakandan,
4. Mrs. Mohana PriyaRespondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS or order or direction in the nature of a Writ, directing the respondents to produce the body of the detenu 'Aswini', D/o K.Devan, Female, aged 22 years, (now detained by 2 to 4 respondents in a secret place) before this Hon'ble Court and set her at liberty and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Vediyappan

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

For Respondent-3 : Mr.K.G. Vasudevan

For Respondent-4 : Mr.J. Manikandan

ORDER

[Order of the Court was made by S.NAGAMUTHU.J]

The petitioner is the father of one Ms.Aswini, aged 22 years. The second respondent is her husband. According to the petitioner, Ms.Aswini has been found missing from 02.08.2016

onwards. In this regard, a case has also been registered on the file of the first respondent. Since, detenue has not been secured so far, the petitioner has come up with this Habeas Corpus Petition.

2.It is submitted by the learned Additional Public Prosecutor on instructions from the first respondent that the detenue has sent a letter to the Police, as early as on 16.06.2016, wherein, she has stated that the marriage between her and the second respondent was celebrated on compulsion and without her willingness, therefore, she has come out on her own accord and now, she is safely living elsewhere. She has further requested the Police not to search her. The said statement is recorded.

3.In view of the said letter, it came to light that there is no illegal detention of the detenue. But, at the same time, we would like to clarify that "Whether the said letter is true or not ?". The same has to be investigated by the Police. Similarly, the investigation shall go on to search the detenue.

4.With the above observations, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jbm/raja

To

1.The State rep. by its
Sub-Inspector of Police, सतयमेव जयते
Elavanasurkottai Police Station,
Villupuram district,
Tamil Nadu.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J. Manikandan, Advocate Sr.19079

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CA(CO)

EU 11.4.17