



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

H.C.P. [MD] .No.1587 of 2017

V.Subbulakshmi

.. Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

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

3. The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.

4. The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.

5.Mohanraj

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 4th respondent to produce the person or body of the detenu, the petitioner's daughter, by name, Sathyakala, D/o.Venkatasamy, aged 24 years, before this Court and set her at liberty.

For Petitioner : Mr.M.Solaisamy

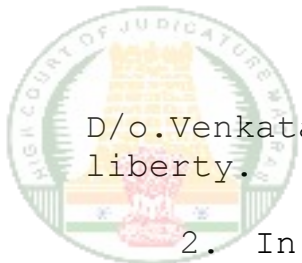
For Respondents1 to 4 : Mr. C.Mayilvahana Rajendran
Additional Public Prosecutor

For Respondent No.5 : No appearance

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the fourth respondent to produce the detenu, namely, Sathyakala,



D/o.Venkatasamy, aged 24 years, before this Court and set her at liberty.

2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that the petitioner had two daughters. Her elder daughter, by name, Kottiya Selvi got married and was living with her husband. The detenu, Sathyakala is her younger daughter. The petitioner's family members have decided to conduct her marriage in the month of September, 2017 and the detenu is also going to the coaching class for 'Group-II' TNPSC Examination. On 01.08.2017, the detenu did not return from the coaching class. Therefore, the petitioner went to the coaching centre at Virudhunagar in search of her daughter and she came to know that her daughter did not attend the class on that day. Thereafter, she made a hectic enquiry with everyone and finally came to know that the fifth respondent had kidnapped her daughter. In this regard, the petitioner made a complaint before the fourth respondent on 06.08.2017, alleging that the fifth respondent had kidnapped her daughter. Since there was no effective steps taken by the respondent police to trace out the detenu, the petitioner approached the respondents 1 to 3 and even thereafter, no effective steps were taken by the them, hence, the petitioner has come up with the present Habeas Corpus Petition.

3. The learned Additional Public Prosecutor on instructions would submit that originally the complaint was lodged before the fourth respondent and thereafter the same was forwarded to the Inspector of Police, Town Police Station, Sattur, Virudhunagar District

4. Today, when the Habeas Corpus Petition was taken up for consideration, the Inspector of Police, Town Police Station, Sattur, Virudhunagar District, produced the detenu. On enquiry, the detenu denied the allegation made in the complaint and she further stated that she fell in love with the fifth respondent and on her own volition, she left her home and got married to the fifth respondent. She further stated that she is not in illegal custody. However, today, she expressed her unwillingness to go along with the petitioner. Since the detenu is major, she is at liberty to take her own decision.

5. In view of the above, since the detenu is not in illegal custody, in our considered view, nothing survives for further adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-III)



To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

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

3. The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.

4. The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Solaisamy, Advocate Sr.No.87438

PJL

VB/KK/SAR1/28/11/2017/3P/7C

**ORDER MADE IN
H.C.P. [MD] .No.1587 of 2017
13.11.2017**