



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

H.C.P.(MD)No.1650 of 2017

M.Arulselvam : Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Earvadi Police Station,
Tirunelveli District.

3.John Praveen : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to secure the petitioner's daughter by name A.Vijitha, D/o.M.Arulselvam, aged about 21 years from the illegal custody of respondent No.3 and produce the body or person of the detenu before this Court forthwith and set her at liberty.

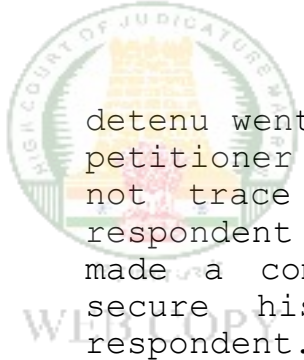
For Petitioner	: Mr.S.Malaikani
For R1 & R2	: Mr.C.Ramesh Additional Public Prosecutor
For R3	: No appearance

ORDER

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

The present Habeas Corpus Petition has been filed by the father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure the petitioner's daughter by name A.Vijitha, D/o.M.Arulselvam, aged about 21 years from the illegal custody of the third respondent and produce the body or person of the detenu before this Court forthwith and set her at liberty.

2.In the affidavit filed in support of this Petition, it has been averred that the petitioner is the father of the detenu viz., A.Vijitha, D/o.M.Arulselvam, aged about 21 years and the detenu is studying M.B.A., first year. It is alleged that on 06.11.2017 the



detenu went to the college, but did not return back. Thereafter, the petitioner searched for his daughter in various places, but could not trace her. Subsequently, he came to know that the third respondent had forcibly taken his daughter. Hence, the petitioner made a complaint before the second respondent on 06.11.2017 to secure his daughter from the illegal custody of the third respondent. On receipt of the said complaint, the second respondent registered a case in CSR No.296 of 2017 for 'Kidnapping'. Since there were no effective steps taken by the second respondent to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.Today, when the Habeas Corpus Petition was taken up for consideration, the respondent police produced the detenu. When we enquired the detenu, she has stated that on her own accord, she went along with the third respondent herein and also married the third respondent. She has further stated that she is not willing to go along with the petitioner.

4. In view of the above, since the detenu is a major aged about 21 years and is not willing to go along with the petitioner, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Earvadi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.S.Malaikani, Advocate, SR.No.88145

Ns

RL/5C/2P/GT/SAR2/12/12/2017

Order made in
H.C.P. (MD) No.1650 of 2017

Dated:

20.11.2017