



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2017

CORAM:

WEB COPY

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

H.C.P.(MD)No.1694 of 2017

G.Rajeshwari : Petitioner

Vs.

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

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

3.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

4.The Sub-Inspector of Police,
Vadipatti Police Station,
Madurai District.

5.Mrs.Vasanthi : 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 to 3 herein to produce the body or person of the detenu Miss.V.Narmathadevi, D/o.Late Vairapillai, aged about 28 years, before this Court and set her at liberty from the illegal custody.

For Petitioner	: Mr.G.Marimuthu
For R1 and 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 friend of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the detenu



Miss.V.Narmathadevi, D/o.Late Vairapillai, aged about 28 years, before this Court and set her at liberty from the illegal custody.

2.In the affidavit filed in support of this petition, it has been averred that the petitioner is the childhood friend of the detenu - Miss.V.Narmathadevi, D/o.Late Vairapillai, aged about 28 years and the fifth respondent herein, is none other than the mother of the detenu. It is alleged that the fifth respondent and her close relatives are taking steps to perform marriage against her wishes and hence, the detenu lodged a complaint before the third respondent on 10.10.2017 and the third respondent called both the parties for enquiry and advised them. In such circumstances, on 19.10.2017 at 03.00 p.m., the fifth respondent, her brother and grandmother came to the petitioner's house and forcibly took the detenu in a car and kept her in the illegal custody against her wishes. It is further alleged that on 14.11.2017 at 03.00 p.m., the detenu informed the petitioner through phone that the fifth respondent and others are taking steps to arrange her marriage with a 60 years old man. Hence, the petitioner preferred a complaint to the third respondent on 14.11.2017, but the third respondent refused to receive the said complaint and advised the petitioner to approach the Jurisdictional Police Station. Hence, the petitioner sent a complaint to the first respondent on 15.11.2017. Since no effective steps were taken by the respondent police, the petitioner has filed 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 the fifth respondent/mother compelled the detenu to marry a 60 years old man. She has further stated that she is not willing to go along with the fifth respondent/mother.

4.In view of the above, since the detenu is a major aged about 28 years and she is having every right to take her own decision and she is also not willing to go along with the fifth respondent, in our considered opinion, nothing survives for adjudication in the Habeas Corpus petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar



To
WEB COPY

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District,
- 3.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 4.The Sub-Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.G.M.Law Office, Advocate, SR.NO.88544

Ns
RL/7C/3P/SKN/RSK/SAR1/12/12/2017

Order made in
H.C.P. (MD) No.1694 of 2017

Dated:
21.11.2017