



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

CORAM:

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

H.C.P.[MD].No.1776 of 2017

Ganaeswari

.. Petitioner

Vs.

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

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

3.The Inspector of Police,
Malli Police Station,
Virudhunagar District,
(Crime No.153 of 2017)

4.Marimuthu

5.Karuppiah

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 to 3 herein to produce the body or person of the detenu Miss.Durga D/o.Duraimurugan, aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr.G.Marimuthu

For respondents : Mr.C.Ramesh,
1 & 2,3

Addl. Public Prosecutor

For 4th respondent : No appearance

For 5th respondent : Mr.K.Karmegam

For Detenu : Mr.A.Kannan

ORDER

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

The detenu is the daughter of the petitioner, aged about 19 years. In the affidavit, it has been stated that the petitioner's daughter by name Durga was studying Bachelor degree in Commerce in a college at Srivilliputhur. On 03.11.2017, she went to college, but, she did not return home. On enquiry, the petitioner came to know that the fourth respondent had kidnapped the detenu without her wish. Thereafter, the petitioner searched for her daughter in several places. Since she could not trace out the detenu, she lodged a complaint with the 3rd respondent Police on 11.11.2017. Based on the said complaint, the 3rd respondent registered a case in Crime No.153 of 2017. As there was no response to the same, the petitioner has come up with this petition.

2.Today, when the matter was taken up for hearing, the detenu was produced before this Court. The petitioner and the 4th respondent were also present. When we enquired, the detenu told that she is a major and she, on her own accord, went along with the fourth respondent and married him. She has further stated that she is not in the illegal custody of the fourth respondent. The detenu also expressed her willingness to go along with her husband viz., 4th respondent. The said statement is recorded. We have heard the petitioner also.

3. The detenu has filed an affidavit before this Court stating that there is a life threat to her and her husband viz., 4th respondent at the hands of her family members and thus, she sought to provide adequate armed protection for her life and limb and also her husband's viz., 4th respondent's life and limb.

3.In view of the above and in view of the fact that the detenu is a major and she told that she is not in the illegal custody, nothing survives for adjudication in this petition. Hence, this Habeas Corpus Petition is closed. However, the 3rd respondent Police is directed to give police protection to the detenu and the 4th respondent till they reaches their destination. If there is any further threat, the detenu is at liberty to approach the jurisdictional Police where they are residing for Police protection.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.The Superintendent of Police,
Virudhunagar District,



Virudhunagar.

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

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

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

+1CC to Mr.K.Karmegam, Advocate, SR.No. 94630

+1CC to M/s.G.M.Law Office, Advocate, SR.No.94886

Order made in
H.C.P.[MD].No.1776 of 2017
Dated: 22.12.2017

gcg

AM/SV MMS/SAR 1/22.12.2017/3P/7C