



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.(MD) No.1363 of 2016

Venkatraman

... Petitioner

-vs-

1.The Superintendent of Police
Tirunelveli District, Tirunelveli

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

3.Thangavelu

4.The Inspector of Police
Kalugumalai Police Station
Kovilpatti Taluk, Thoothukudi District ... Respondents
(R4 is impleaded suo motu vide
order dated 17.10.2016 made in
HCP(MD)NO.1363/2016)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to secure and produce either person or body of detainee, namely, Parvathi, aged 16 years, who is daughter of the petitioner, before this Court and entrust to the custody of the petitioner.

For Petitioner : Mr.P.T.Thirvaiyam
For Respondents : Mr.T.Mohan
Addl. Public Prosecutor for R1, R2 & R4
No appearance for R3

O R D E R

[Order of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.P.T.Thiraviyam, learned counsel appearing for the petitioner and Mr.T.Mohan, learned Additional Public Prosecutor appearing for the respondents 1, 2 and 4.

2. None appeared on behalf of the third respondent.



3. The petitioner has filed this habeas corpus petition seeking for a direction upon the respondents 1 and 2 to produce his daughter, namely, Parvathi, aged about 16 years, before this Court and set her at liberty.

4. When the matter came up for admission on 20.03.2017, the learned Additional Public Prosecutor submitted that on an earlier occasion also, the detainee eloped with the third respondent and the Police secured and united the detainee with her parents and once again, she had gone away. Therefore, we directed the respondent Police to secure the detainee as she is a minor. Accordingly, the respondent Police produced the detainee before this Court.

5. We have spoken with the detainee for a considerable length of time. She is very adamant and she does not want to go along with her parents, who are also present before this Court and she wants to go to Home. She admits that she is in love with the third respondent, who is a driver of a school van and she came into his contact, when the school van came near to her house.

6. It is pertinent to note that the earlier elopement was also with the third respondent, who has been arrested and remanded to judicial custody.

7. We have also questioned the petitioner and his wife / parents of the detainee, they are very much eager to take care of the detainee.

8. Considering the fact that the detainee is of clear mind that she does not want to go with her parents, we direct the respondent Police to send the detainee to Sakthi Vidiyal Home, Muthupatti, Alagappan Nagar, Madurai.

9. Accordingly, the habeas corpus petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To:

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

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



3.The Inspector of Police,
Kalugumalai Police Station,
Kovilpatti Taluk, Thoothukudi District.

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

+1 cc to Mr.P.T.Thirvaiyam, Advocate, Sr.No.52716

H.C.P.(MD) No.1363 of 2016

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