

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.1148 of 2018

Usha

.. Petitioner

Versus

1.The State rep. by
The Inspector of Police,
Baluchettychatram Police Station,
Kanchipuram District.

2.Pasupathy

.. Respondents

Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, directing the respondents to produce the detainee, Gajalakshmi, daughter of Jayavel, aged about 17 years residing at No.140, Perumal Koil Street, Ozhukkolpattu Colony, Kanchipuram District and hand over to the petitioner.

For Petitioner : No appearance

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor for R1

ORDER

(Order of the Court was made by S.VIMALA,J.,)

The petition has been filed by the petitioner/mother seeking production of her daughter / detainee, Gajalakshmi, who is studying 12th standard. The petitioner's husband is working as ward boy in Government Hospital, Kanchipuram. The petitioner and her husband had three children.

2.It is alleged that the petitioner's daughter Gajalakshmi had developed love affairs with the second respondent. According to the case of the petitioner, the third daughter Gajalakshmi was missing on and from 14.05.2018 and in respect of the same, the first respondent has registered a case in Crime

No.218 of 2018 under the head "girl missing". The specific allegation is that the second respondent is guilty of kidnapping the minor girl of the petitioner.

3.On instructions, the learned Additional Public Prosecutor would submit that this is not the first time this occurrence had taken place; even on 14.05.2018, just 10 days prior to the date of second occurrence, the detainee was missing and in respect of which, the father had preferred a complaint and based on that, after the registration of the case, the first respondent was able to secure the girl; during that time, the parents gave an undertaking that they will take care of their daughter Gajalakshmi and despite the undertaking given, this incident has happened within a period of ten days from the date of first occurrence.

4.Under such circumstances, when this occurrence is frequently happening and when it seems to be a case of elopement, we do not feel it appropriate to keep the case pending. However, during investigation if the first respondent is able to trace the whereabouts of the victim girl, the same shall be intimated to the petitioner.

5.With the above observations, this habeas corpus petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ia/srk

To:

1.The Inspector of Police,
Baluchettychatram Police Station,
Kanchipuram District.

2.The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.1148 of 2018

VBA (CO)
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