

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2018

Coram

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
&
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.1755 of 2017

S.Sujatha

... Petitioner

Vs.

State rep. by
The Inspector of Police
Thiru.Vi Ka Nagar Police Station
Pulianthope
Chennai

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondent police to produce the body of the detinue Shaileeshwari aged about 18 years before this Court and set her at liberty.

For Petitioner : Mr.T.R.Thara

For Respondent : Mr.R.Ravichandran
Government Advocate

O R D E R

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

The relief sought for in this Habeas Corpus Petition is for a direction to direct the respondent police to produce the body of the detinue by name Shaileeshwari, aged about 18 years.

2.The petitioner is the mother of the detinue. The petitioner states that her daughter Smt.S.Shaileeshwari was missing from 08.09.2017 onwards. The petitioner searched her in all the known places and enquired her friends. Since the whereabouts are not known, the petitioner is constrained to move the present Habeas Corpus Petition.

3.The learned Government Advocate appearing on behalf of the respondent police relying on the Status report filed by V.Tamilvanan, Inspector of Police, K-9 Thiru.Vi.Ka.Nagar Police Station, Chennai, contended that Inspector of Police went to the defacto complainant's house and collected the photographs and other particulars of the missing girl and examined the

witnesses. During the course of investigation, the call details of the defacto complainant's mobile number and other details were secured and finally, the respondent police arrived a conclusion that the detainee eloped along with one Mr.Prem, who is the lover of the detainee. Further, the investigation revealed that detainee was living along with her lover in West Bengal. Accordingly, a Special team was constituted for the purpose of nailing the detainee and the Special team ultimately found the detainee and her lover, Mr.Prem in Aasansoul, West Bengal. The respondent police could able to realise that the detainee married her lover, Mr.Prem and living in the said place at West Bengal.

4.Accordingly, the detainee and her husband were produced before the learned Additional Chief Judicial Magistrate, Aasansoul, West Bengal. The learned Additional Chief Judicial Magistrate recorded the statement of the detainee, who was aged about 19 years at the time of recording the statement and the detainee has categorically deposed that she got married with the said Mr.Prem and further expressed her willingness to live with her husband, Mr.Prem. Accordingly, the learned Additional Chief Judicial Magistrate, Aasansoul, West Bengal ordered to stay the detainee with her husband, Prem.

5.This being the factum of the case and statement of the detainee had already been recorded by the learned Additional Chief Judicial Magistrate, Aasansoul, West bengal, there is no other reason to further consider the grounds raised in this Habeas Corpus Petition.

6.Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-
Assistant Registrar(CS V)

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सत्यमेव जयते

Sub Assistant Registrar

gsa/vsm

To

1.The Inspector of Police,
Thiru.Vi Ka Nagar Police Station
Pulianthope
Chennai

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

H.C.P.No.1755 of 2017

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