

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

AND

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.356 of 2018

M.Rasool ... Petitioner

Versus

State by
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District. ... Respondent

Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, directing the respondent herein to produce the body and person of the detainee by name Nasreen, Daughter of Rasool, aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr.D.Padmanapan

For Respondent : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

This petition is filed by the father seeking production of her daughter Nasreen, who has completed 12th standard in the year 2014-2015. According to the complaint, the daughter was residing along with the parents and prior to 10 days of the occurrence, she was going for work in Komathi Maligai store and thereafter, she did not return home on and from 03.02.2018. This is the only thing stated in the affidavit and nothing is stated regarding the probable cause for her daughter to be found missing. Whether there was any problem in the family or in the work place or in other places is not stated in the affidavit by the father.

2.However, the respondent has investigated and has recorded the statement of the father.

3.We have perused the said statement. In the statement, the father would state that originally her daughter was working at Balaji Bhavan Hotel, Veppampattu, where she was in love with one Sundar and when Sundar has come to his residence asking support for the marriage of his daughter, he was responding by saying that he belongs to different religion. Therefore the father was not inclined to perform the marriage. As the detainee has been asked to go for a work at someother place namely Komathi Maligai Store. It is stated that she was found missing from Komathi Maligai Store. The statements of other witnesses also have been recorded, from where it is clear that probably she might have gone along with Sundar.

4.Under such circumstances, she having been aged more than 18 years, it is very difficult to expect her to return near future because of the refusal of the father to perform her marriage. However, we direct the respondent to continue the investigation and if and when the whereabouts of the detainee is come to knowledge of the respondent,it shall be intimated to the petitioner.

5.With the above observation, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ia/srk

To:

- 1.The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
- 2.The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.356 of 2018

VBA(CO)
TR(19/07/2018)