

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07-05-2018

CORAM

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

H.C.P.No.2131 of 2017

R.Sundar Rajan

... Petitioner

Vs.

1.The Inspector of Police,
Aambur All Women Police Station,
Ambur.

2.Sudakar.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to direct the respondent to produce the detainee Dhanalakshmi D/o. Sundarrajan, aged about 18 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.R.Abdul Mubeen
For Respondents : Mr.R.Ravichandran,
Government Advocate [R1]

O R D E R

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

The petitioner who is the father of the detainee by name Dhanalakshmi, aged about 18 years has preferred this petition directing the respondent to produce the said detainee, his daughter before this Court and to set her at liberty.

2. In view of the Writ Petition filed, the first respondent has filed a status report stating that the detainee who is aged about 19 years working in a Private Shoe Company had developed lover affair with the second respondent and in that situation, she went out for work and did not turn home. The second respondent illegally brought the said Dhanalakshmi along with him who is already married and having wife by name Aruna and three children. The petitioner also searched his daughter in his friends and relatives house but could not able to trace her.

3. Pursuant to the filing of the present Habeas Corpus Petition and when this Court had directed the first respondent-Police to initiate appropriate action, the first respondent commenced the investigation and had taken sincere efforts to

secure the detainee from the alleged illegal detention. However, during the course of investigation, it was found that the detainee herself, on her own willingness, had eloped with the second respondent. The elopement of the detainee with the second respondent was at her own volition. The Inspector of Police, All Women Police Station, Ambur, Vellore District, filed Status Report on 30th November 2017, stating that on 21.10.2017, the petitioner's daughter took two sovereigns of gold chain along with cash of Rs.30,000/- and eloped with the second respondent and thereafter, the whereabouts of the detainee and the second respondent was unknown.

4. Thus, the petitioner was constrained to lodge a complaint before the Police Station, in order to secure the detainee. However, after knowing the fact that the daughter of the petitioner eloped with the second respondent, the petitioner himself requested the police not to initiate any further action on the complaint submitted by him before the Police Station. Further, it is stated that the wife of the second respondent also lodged a complaint simultaneously before the Umrabad Police Station in respect of the missing of her husband as well as the petitioner's daughter.

5. On a perusal of the Status Report, we are of the considered opinion that it is the case of an elopement and there is no illegal detention as such set out in the Habeas Corpus Petition. This apart, the petitioner himself insisted the police not to initiate any action on the complaint submitted by him.

6. This being the factum, this Court is of an opinion that the ground of illegal detention, as set out in the present Habeas Corpus Petition on hand, has not been established nor any material is available to show that the daughter of the petitioner is in illegal detention.

7. Contrarily, the investigation revealed that the daughter of the petitioner eloped with the second respondent at her own volition and not at the instance of anybody, more-so, she is not under the illegal detention of the second respondent.

8. Thus, no further consideration needs to be undertaken in respect of the other grounds raised in the Habeas Corpus Petition. Accordingly, the present Habeas Corpus Petition stands dismissed.

s/d-
Assistant Registrar (CS-V)
True Copy
Sub-Assistant Registrar

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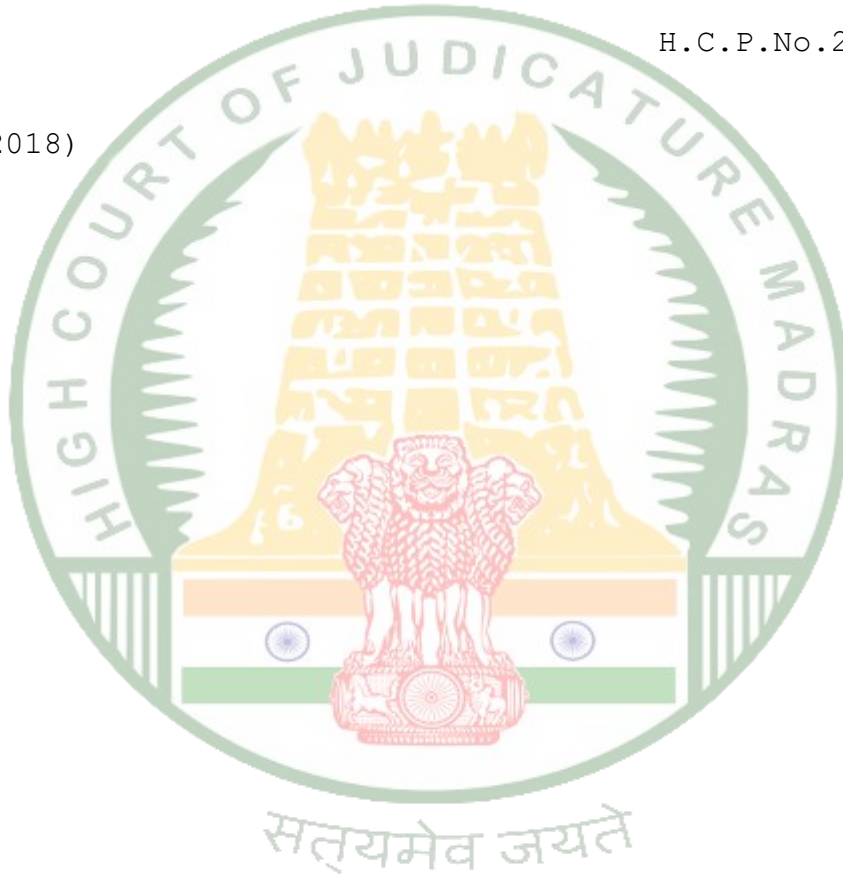
1.The Inspector of Police,
Aambur All Women Police Station,
Ambur.

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

+1 CC to Mr.R.Abdul Mubeen, Advocate sr 33210.

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SP(08/06/2018)



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