

In the High Court of Judicature at Madras

Dated: 16.04.2018

Coram:

The Hon'ble Mr.Justice M.VENUGOPAL
and
The Hon'ble Mrs.Justice R.HEMALATHA

H.C.P.No.636 of 2018

M.Mathiyazhagan .. Petitioner
Vs.

State rep. by

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Keelvelur Police Station,
Nagapattinam District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the respondent police to produce the detenu namely, Mrs.Abinaya, aged 22 years before this Court and set her at liberty.

For Petitioner : Mr.T.Ananthasekar
For Respondent : Mr.R.Ravichandran
Nos.1 & 2 Government Advocate (Crl. Side)

सत्यमेव जयते
O R D E R

[Order of the Court was made by
R.HEMALATHA, J.]

The Petitioner/Mathiyazhagan has filed the present petition for issuance of Writ of Habeas Corpus directing the respondents to produce the body of the detenu namely, Mrs.Abinaya, aged 22 years.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

3.In the affidavit filed along with the Petition, the petitioner/ Mathiyazhagan has contended that her daughter

Abinaya went missing from home on 27.02.2018 and that he lodged a complaint with the Inspector of Police, Keelvelur Police Station, Nagapattinam District and the police also registered an FIR in Cr.No.92 of 2018.

4.Notice was issued to the respondents and in response to the notice, the detenu Abinaya is produced by the respondents before this Court today.

5.When this Court interacted with the detenu, she contended that since her parents gave her in marriage with one Suresh Kannan against her wishes, she left her home and stayed in Grace Women Hostel at Medavakkam, Chennai. She further contended that she is presently willing to go with her parents.

6.It is pertinent to mention that the detenu is a major, aged 22 years. Therefore, this Court is convinced that she would be in a position to take an independent decision on her own and does not require any guidance or instructions.

7.In the facts and circumstances, the present Habeas Corpus Petition is disposed of as no further course of action is necessary.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

DP

To

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Keelvelur Police Station,
Nagapattinam District.

3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.T.Anantha sekar, Advocate SR.No.28758

H.C.P.No.636 of 2018

SSI (CO)
GN(10/05/2018)