

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.04.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

H.C.P.No.638 of 2018

E.Indira

.. Petitioner

Vs.

1. The Inspector of Police,
Gingee Police Station,
Gingee Taluk,
Villupuram District

2. R.Settu

3. R.Ramayee

4. R.M.G,

5. R.Kaliyammal

6.Sasi @ Sasikala

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to direct the 1st Respondent to produce the body of the person E.Pavithra, aged 19 years before this Court and set her at liberty.

For Petitioner : Mr.A.Jayaprakash

For Respondents : Mr.R.Ravichandran
Government Advocate (Crl.Side)

O R D E R

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

The petitioner, viz., A.Indira, has filed the present Writ of Habeas Corpus Petition directing the 1st respondent to cause production of her daughter, viz., E.Pavithra, aged 19 years before this Court and set her at liberty.

2. In the affidavit filed along with the petition, the petitioner has contended that her daughter, E.Pavithra, aged 19 years was studying Second Year, B.Sc Computer Science in K.S.Raja Women Arts and Science College in Sellaprati Village,

Gingee and that she went missing from her home on 21.03.2018. When the petitioner enquired, she came to know that the 2nd Respondent, namely, R.Settu had kidnapped her daughter by threatening her that he would kill the petitioner and her son, Balaji. The petitioner had also lodged a complaint with the Sub Inspector of Police, Gingee Police Station on 22.03.2018, which culminated into the registration of First Information Report in Crime No.237/2018 for an alleged offence punishable under Section 366 IPC.

3. Earlier, on 03.04.2018, the Learned Additional Public Prosecutor appearing for the 1st Respondent requested time for production of the detainee, E.Pavithra and her husband Elumalai. Accordingly, time was granted and today, i.e., on 09.04.2018, the 1st Respondent produced the detainee, E.Pavithra before the Court.

4. This Court interacted with the detainee, E.Pavithra, aged 19 years, she contended that her Date of Birth is 29.06.1998 and that she married one Elumalai on 21.03.2018 at Seliamman Koil, Gingee. She also contended that she is presently residing with her husband at her husband's sister's house at Thakampet, Athiyur, Villupuram. Her specific contention is that she is happily residing with her husband.

5. It is pertinent to mention that the detainee, E.Pavithra is a major and this Court is convinced that she would be in a position to take independent decision on her own and does not require any guidance from this Court.

In view of the above, the Detenue, namely, E.Pavithra, is set at liberty to choose her further course of action and the present Habeas Corpus Petition is disposed of accordingly.

Sd/-

सत्यमेव जयते Assistant Registrar (Audit)

//True copy//

Sub Assistant Registrar

ssd

To

1. The Inspector of Police,
Gingee Police Station,
Gingee Taluk,
Villupuram District

2. The Public Prosecutor,
High Court, Madras

+1cc to Mr.A.Jaya Prakash, Advocate SR.No.25887

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NRI (CO)
GN(24/04/2018)



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