

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.12.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MS. JUSTICE P.T.ASHA

HCP No.2964/2018

R.Murthy

..Petitioner

Versus

1. The Superintendent of Police
Nagapattinam, Nagapattinam District.

2. The Inspector of Police
Velippalayam Police Station
Nagapattinam District.

3.R.Karthi

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the corpus of the detenu M.Hemamalini D/o.R.Murthy, aged about 23 years before this Court and set her at liberty.

For Petitioner : Mr.Elangovan.V.

For RR 1 & 2 : Mr.C.Raghavan, GA[Cr1.Side]

O R D E R

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

The above petition has been filed by the petitioner, seeking production of his daughter, the detenu herein, viz., Hemamalini, aged about 23 years, who is said to be in the illegal custody of the 3rd respondent herein and to set her at liberty.

2.The learned Government Advocate [Crl.Side], accepting notice on behalf of the respondents 1 and 2 would submit that the detinue along with the 3rd respondent herein, had appeared before the Court of Judicial Magistrate No.II, Nagapattinam, who in turn, were directed to appear before the 2nd respondent Police and in pursuant to the said direction, both the detinue and the 3rd respondent appeared before the 2nd respondent police and the detinue gave a statement that she married the 3rd respondent on 14.12.2018 in a Mariamman Temple at Sellur and that she is residing in her matrimonial home. She also expressed her willingness to go along with her husband, the 3rd respondent herein. The said statement of the detinue was reduced to writing by the 2nd respondent/Inspector on 21.12.2018. The learned Government Advocate [Crl. Side] also produced a copy of the Requisition Report of the 2nd respondent Police before this Court.

3.In the view of the same, the present Habeas Corpus Petition is not maintainable and the same is liable to be dismissed. Accordingly, the Habeas Corpus Petition is dismissed as not maintainable.

AP

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police
Nagapattinam, Nagapattinam District.

2. The Inspector of Police
Velippalayam Police Station
Nagapattinam District.

3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.S.Doraisamy, Advocate, SR.NO.90082

HCP No.2964/2018

kak(09/01/2019)