



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

H.C.P(MD) No.265 of 2018

Sakunthala

... Petitioner/Mother of Detenu

-vs-

1. The Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
Aravayal Police Station,
Sivagangai District.

3. Balamurugan

... Respondents

PRAYER: Petition is filed under Article 265 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents herein to produce the body and person of petitioner's daughter, Kalayarasi, Female, D/o. Arumugam, aged about 19 years before this Honourable Court and set her at liberty.

For Petitioner : Mr.S.Sathya Chidambaram

For R1 & R2 : Mr.K.Dinesh Babu
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by S.VIMALA, J]

This petition has been filed by mother, seeking direction to the respondents 1 & 2 herein to produce her daughter / detenu, namely, Kalayarasi, D/o. Arumugam, aged about 19 years before this Court and set her at liberty.

2. According to the petitioner, she has got two daughters, out of whom, the detenu is the eldest one and the detenu has been working in Kadari Ammal Mill, Aravayal. While so, the detenu went for job on 07.01.2018 and did not return and was found missing. The petitioner, suspecting that the detenu was abducted by the 3rd respondent, who is working in the very same



Mill as Driver, lodged a complaint to the 2nd respondent and since her complaint did not evoke any response on the side of the respondent police, the petitioner is before this Court.

3. The learned Additional Public Prosecutor has produced the detenu through the respondent police and the petitioner as well as the third respondent are present before this Court.

4. On enquiry with the detenu, she has stated that she fell in love with the third respondent (who is working as Driver in the Mill where she is working and earning a sum of Rs.10,000/- per month) and subsequently, both got married. As such, she has not been abducted by anyone and left her parental home on her own wish. In fine, she has expressed her willingness to accompany third respondent and the third respondent has also endorsed his marriage with the detenu herein.

5. On enquiry with the petitioner/mother, she has submitted that when her husband / father of the detenu met with an accident and was admitted in a hospital, the detenu, without bothering about her family circumstances and in her absence, left the house and joined the third respondent, who is partially deaf and dumb and therefore, her daughter may be sent along with her. However, the detenu is very stubborn in not accompanying her mother and wanted to go only with the third respondent.

6. Upon hearing the stand of the detenu, the petitioner/mother needed an assurance from her daughter that hereafter she should not seek any assistance either from her or from her husband and should not claim any right over the property. The detenu also informed the Court that she will neither cause disturbance to them for any purpose nor seek their assistance.

7. Recording the submission made by the detenu and also the fact that she is major, this Habeas Corpus Petition is closed and the detenu is set at liberty.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Sivagangai District.

<https://hcservices.e-governance.gov.in/hcservices>
The Superintendent of Police,
Aravayal Police Station,
Sivagangai District.



3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1cc to Mr.S.Sathya Chidambaram, Advocate Sr.No.55842

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VB/KK/SAR1/13.04.2018/3P/5C

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