

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WP.No.14997 of 2018

Date:06.06.2018

Between.

Pikkili Lakshmi Prasanna,
W/o Middileti

.....Petitioner

And.

The State of A.P., repto by its Principal
Secretary, Home Department, Velagapudi,
Amaravathi, AP and two others.

.....Respondents

Counsel for the petitioner: None appeared

Counsel for the respondents: AGP for Home (AP)
representing Advocate General (AP)

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed for issue of *Habeas Corpus* directing the respondents to produce the petitioner's daughter by name Mahalakshmi (hereinafter referred to as 'the alleged detainee') before this Court and set her at liberty forthwith.

Respondent No.3 filed a counter-affidavit, wherein it is stated that on 14.3.2018, the petitioner gave a report in Chinna Chowk U/G Police Station, YSR Kadapa District to the effect that the alleged detainee, a First Year Intermediate student of Gayathri College, completed her first year examinations and was staying at home; that on the night of 13.3.2018, at about 10 pm., after taking food at the Collector's bungalow, the alleged detainee went home; that on the early morning of 14.3.2018, when she returned home, she did not find her daughter there; that her enquiries revealed that one Veerendra used to follow the alleged detainee; and that the said Veerendra, who was admonished by her one year ago for following her daughter, might be responsible for missing of her daughter. That based on the said report, a case in Crime No.85 of 2018 under the heading "Woman Missing" was registered on 14.3.2018; that during investigation, the complainant was examined and a detailed statement was recorded; that when the investigation

was in progress, on the morning of 16.3.2018, the alleged detainee came to the Police Station, where her statement was recorded; that in her statement, the alleged detainee stated that she fell in love with the said Veerendra; that as the petitioner did not agree for performing their marriage, she eloped with the said Veerendra on 13.3.2018; and that both of them got married in Yadagirigutta temple and stayed there. The alleged detainee further stated in her statement that on coming to know that the petitioner gave a complaint and a case was registered in Chinna Chowk U/G Police Station, they returned to Kadapa.

It is further averred in the counter-affidavit that the Police have called the petitioner to the Police Station and based on the statement of the alleged detainee, no action was taken against the said Veerendra; that on the representation, dated 29.3.2018, made by the petitioner to the Chairman, District Legal Services Authority, Kadapa that Veerendra has kidnapped the alleged detainee, the case was referred to the Police on 31.3.2018; that the Additional Judicial First Class Magistrate, Kadapa was given requisition on 02.4.2018 to record the statement of the alleged detainee; and that accordingly, the statement of the alleged detainee was recorded under Section-164 Cr.P.C. by the learned Magistrate on the same day, i.e, on 02.4.2018, wherein the

alleged detainee has stated that she has married Veerendra and would like to stay with him and not with her mother; and that after giving her statement, the alleged detainee went along with the family members of Veerendra.

It is further averred in the counter-affidavit that after the present Writ Petition is filed, the matter was further enquired into and that it was revealed that the alleged detainee was no longer staying with Veerendra and was staying with the petitioner since 26.4.2018; and that the alleged detainee was examined and her statement was recorded by the Police on 26.4.2018, wherein she stated that due to certain differences with Veerendra, she left him and has been staying with her mother since 26.4.2018. That the petitioner also stated that the alleged detainee is staying with her.

At the hearing, learned Assistant Government Pleader representing the learned Advocate General (Andhra Pradesh) has placed before the Court the purported statement of the alleged detainee recorded on 26.4.2018, as referred to in the counter-affidavit.

Learned counsel for the petitioner is not present. No reply-affidavit is filed controverting the averments in the counter-affidavit.

In view of the averment in the counter-affidavit that the alleged detainee has been staying with the petitioner since 26.4.2018, which remained uncontradicted, the cause in the Writ Petition does not survive.

The Writ Petition is, accordingly, dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

06th June, 2018

DR