

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM:

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

H.C.P.No.161 of 2019

D.Usharani

.. Petitioner

Vs.

1. The District Superintendent of Police
Ariyalur District, Ariyalur.

2. The Inspector of Police
Keelapalur Police Station
Ariyalur District.

3. Arul

4. Pazhanisamy

5. Ponnusamy

6. Rasathi

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the second respondent to produce the petitioner's daughter namely D.Umarani, D/o.Devendran, aged 17 years (minor) to produce before the Court and hand over the petitioner.

For Petitioner .. Mr.M.Selvam

For Respondents .. Mr.C.Iyyappa Raj
Additional Public Prosecutor [R1 & R2]

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner, who is the mother of the detainee, namely D.Umarani [DOB:25.06.2001] alleging illegal custody and detention of her daughter, at the hands of private respondents, came forward to file this Habeas Corpus Petition.

2. The learned counsel appearing for the petitioner would submit that the detainee was found missing from 22.12.2018

onwards and on enquiry, she came to know that she had been kidnapped by the private respondents and based on which, she lodged a complaint before the second respondent-police, which has resulted in registering a case in Crime No.339/2018 for the commission of offences under Section 366(A) IPC. Despite lapse of nearly four months, no steps have been taken by the police to trace the detainee and hand over her custody to the petitioner, and hence, the petitioner is constrained to file this Habeas Corpus Petition.

3. Mr.C.Iyyappa Raj, learned Additional Public Prosecutor appearing for the State would submit that the detainee has been traced yesterday (23.04.2019) and she is produced before this Court today.

4. The detainee, on enquiry, would state that she on her own volition left her parental home and got married to the third respondent and later on, when she became aware of the fact that the third respondent was already married and out of his earlier wedlock, he had begotten three children, she deserted his company, and now she expressed her willingness to go along with her mother, who is present before this Court.

5. The mother of the detainee is also enquired with and she would state that the custody of her daughter may be entrusted to her and she would look after her well and fulfil her requirements, to enable her to pursue her studies. She also assured that the detainee's interest and well-being will be taken care of by her.

6. In the light of the above facts and circumstances, the detainee is set at liberty and her custody is handed over to the mother of the detainee/petitioner herein, who have also promised to take care of the detainee's future and well-being.

7. This Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The District Superintendent of Police
Ariyalur District, Ariyalur.

2. The Inspector of Police
Keelapalur Police Station
Ariyalur District.

copy to:

The Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.Selvam, Advocate, S.R.No.40001

H.C.P.No.161 of 2019

VG-I (CO)
SSM(20/06/2019)



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