

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.03.2019

CORAM:

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

H.C.P.No.179 of 2019

Uma

.. Petitioner

Vs.

1.State, rep. by
The Inspector of Police
Town Police Station
Arakkonam.

2.Mohan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to produce the petitioner's daughter viz., Archana, aged 20 years, D/o.Ashok Kumar before this Court and set her at liberty.

For Petitioner .. Mr.A.P.Sathyamurthy

For Respondents.. Mr.C.Iyyapparaj
Additional Public Prosecutor [R1]

ORDER

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

This matter is not listed today and by way of mentioning, it is taken up for hearing today, for the reason that the detinue is produced before the Court.

2. The petitioner is the mother of the detinue viz., Archana, aged about 20 years and alleging that her daughter who went for a job on 05.01.2019, did not return home and therefore, lodged a compliant before the first respondent on 07.01.2019 and taking cognizance of the same, the first respondent has registered a case in Crime No.22 of 2019 on 07.01.2019 under the offence "woman missing". Since no steps have been taken by the respondent-police to rescue her daughter, the petitioner apprehending concern about the welfare and well-being of her daughter and also concerned about the whereabouts of her daughter, came forward to file this Habeas Corpus Petition.

3. When the matter is called, the first respondent has produced the detainee and this Court had enquired her and she stated that she is pursuing her final year B.E. (ECE) in Annai Indira Gandhi College, Chengalpattu and she is in love with the second respondent, who is a B.Sc.(Maths) graduate and working in a private company and she on her own volition went with him and got married him. She would further state that since his first wife is still alive, her marriage with the second respondent could not be registered and as and when the matrimonial relationship of the second respondent with his first wife gets abandoned, the detainee would get her marriage registered and till such time, she expressed her willingness to stay with her parents.

4. The parents of the detainee are present and they insisted her daughter to complete her studies and they also agreed to take her along with them.

5. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the first respondent would submit that as of now, no caste or communal problem is existing in their locality in relation to this incident, other than some misunderstanding between the families of the petitioner and the second respondent, however, the learned Additional Public Prosecutor undertakes to issue necessary instructions to the first respondent to maintain communal harmony.

6. In the light of the fact that the detainee being a major and she also extended her willingness to accompany her parents, no further orders are necessary in this petition and hence this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar(Co)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ds

To:

1.The Inspector of Police
Town Police Station
Arakkonam.

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.P.Sathyamurthy , Advocate SR.No. 20130

H.C.P.No.179 of 2019

A.SK(01/04/2019)