

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.04.2019
CORAM:
THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1198 of 2018

Gomathi

.. Petitioner

Vs.

1.State, rep by its
The Inspector of Police
Jolarpet Police Station
Jolarpet, Vellore District.

2.State, rep, by
The Superintendent of Police
Vellore District.
Vellore.

3.Prasanth
4.Palani
5.Ajith
6.Karthick
7.Vadivelu

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, to direct the first and second respondents herein to produce the body of the petitioner's minor daughter Rubina, aged about 17 years before this Court and hand over the petitioner.

For Petitioner .. M/s.V.R.Annagandhi

For Respondents.. Mr.C.Iyyappa Raj
Additional Public Prosecutor [R1 & R2]
Mrs.A.Yogeswari for RR4 to 7

ORDER

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

This Court, in continuation and conjuncture with the earlier order dated 25.03.2019, is passing the following order.

2. The detainee, who is now major and is in the custody of Madras Christian Council of Social Service, Chennai-600082, is produced before this Court and on interaction with her, she would state that she is willing to go with her parents, who are present before this Court.

3. Mr.C.Iyyapparaj, learned counsel appearing for the State would submit that when the detainee was produced for medical examination, she expressed her unwillingness and did not co-operate for the medical examination.

4. The learned counsel appearing for the third respondent would submit that the mother of the third respondent is present before this Court and he requested the Court to make an enquiry with her and accordingly, when she is enquired and the mother of the third respondent would state that based on intimation given by the detainee to her son, he went away from the residence and never turned back.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. In the light of the fact that the detainee is a major and since she expressed her willingness to go with her parents, this Court is of the considered view that the detainee shall be set at liberty and she is free to take her own decision as to her future and well-being.

7. This Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To:

1.The Inspector of Police
Jolarpet Police Station
Jolarpet, Vellore District.

2.The Superintendent of Police
Vellore District.
Vellore.

Copy to:

The Public Prosecutor
High Court, Madras.

+1cc to M/s.V.R.Annagandhi, Advocate 39330

H.C.P.No.1198 of 2018

vgi(co)
nr 20/06/2019



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