

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM :

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

H.C.P. No.357 of 2019

A.Rajendran

... Petitioner

Vs.

1.The Inspector of Police,
Tittakudi Police Station,
Cuddalore District.

2.S.Subashchandrabose

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the 1st respondent to produce the petitioner's daughter namely Rajeswari, age 19, before this Hon'ble Court from the illegal custody of the 2nd respondent and set her at liberty.

For Petitioner : Mr.V.Gunasekar

For Respondents : Mr.C.Iyyapparaj

Additional Public Prosecutor
for R1

सत्यमेव जयते
O R D E R

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

The petitioner is the daughter of the detainee namely, Rajeswari. According to him, his daughter namely Rajeswari, who was born on 10.07.1998, was found missing from 16.06.2018 and she also taken away 12 sovereigns of gold as well as cash of Rs.30,000/-. It appears that a case in Crime No.68 of 2018 was registered by the 1st respondent police for "Woman Missing", and the said Rajeswari was secured and produced before the jurisdictional Magistrate for recording the statement.

2. It appears that once again, the detainee was found missing

from 31.01.2019 onwards, based on which a complaint given by the father of the detenu has resulted in CSR No.51 of 2019.

3. The learned counsel for the petitioner would submit that the detenu is in illegal custody of the 2nd respondent and therefore, this Court may pass appropriate orders, as he being the parent and his anxiety is to know the well being and whereabouts of his daughter.

4. Per contra, Mr.C.Iyyapparaj, learned Additional Public Prosecutor would submit that it is a case of elopement and the detenu, after attainment of the age of majority, on her own volition, gone with the 2nd respondent and CSR No.51 of 2019 has also been registered and after due proper enquiry, appropriate steps will be taken in accordance with law.

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

6. The detenu was born on 10.07.1998 and admittedly, she has attained the age of majority and on an earlier occasion, she went with the 2nd respondent and after registration of case, she was secured and produced before the jurisdictional Magistrate, who passed appropriate orders. However once again she left with the company of the 2nd respondent. In the light of the above facts and circumstances, it cannot be said that she is in illegal custody at the hands of the 2nd respondent.

9. Therefore, the Habeas Corpus Petition stands dismissed. However, the 1st respondent is directed to conduct due and proper enquiry in CSR No.51 of 2019 and take appropriate action in accordance with law.

mkn/sk

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Inspector of Police,
Tittakudi Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

+1CC TO Mr.V.Gunasekar, Advocate, Vide SR.No.13865

H.C.P. No.357 of 2019

Kak(14/03/2019)