

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2019

CORAM

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

HCP.No.465 of 2019

P.Velan

.. Petitioner

Versus

- 1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
St.Thomas Mount, Chennai-600 016.
- 3.The Inspector of Police,
Tambaram Police Station,
Tambaram, Chennai-600 044.
- 4.The Superintendent of Police,
Nilgris District,
Udagamandalam.
- 5.Maheswari

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the 3rd respondent herein to produce the body and person of the detainee by name Santhosh Sri, wife of Ashok, aged about 21 years before this Court and set her at liberty.

For Petitioner : Mr.M.R.Jothimanian
For Respondents: Mr.C.Iyyappa Raj
1 & 4 Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is the father of the detainee, namely Santhosh Sri, who is aged about 21 years and admittedly, she is a married women and alleging illegal detention / custody at the hands of the 5th respondent, the present Habeas Corpus Petition is filed.

2. The petitioner has also lodged a complaint, based on which, a CSR has been registered and subsequently, Crime No.1673 of 2018 came to be registered by the 3rd respondent for ''Women Missing''.

3. It is represented that the detenue was traced and produced before the Court of Judicial Magistrate, Tambaram and the detenue had stated that she was subjected to torture at the hands of her husband and she is not willing to live either in the matrimonial home or in the parental home and since she is a major, she may be left in a position to take her own decision.

4. The learned counsel appearing for the petitioner would submit that the 5th respondent is the friend of the detenue and only as per her illegal advise, she is not coming either to the matrimonial home or parental home and prays for appropriate direction to direct the 4th respondent to do the needful.

5. Mr.C.Iyyapparaj, learned Additional Public prosecutor appearing for the State has produced the Case Diary in Cr.No.1673 of 2018, which would disclose among other things that the detenue herself has given a written statement stating about the said facts. The 5th respondent has also produced a letter to the 3rd respondent, denying the allegations.

6. In the light of the fact that the detenue is a major and being a married women, is entitled to take a conscious decision with regard to her future. A perusal and consideration of the materials would also disclose that the detenue is not said to be in illegal custody / detention at the hands of the 5th respondent.

7. Therefore, the Habeas Corpus Petition stands dismissed. However, the petitioner if so advised, he is at liberty to workout his further remedy in accordance with law before the competent forum.

सत्यमेव जयते

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police,
St.Thomas Mount, Chennai-600 016.

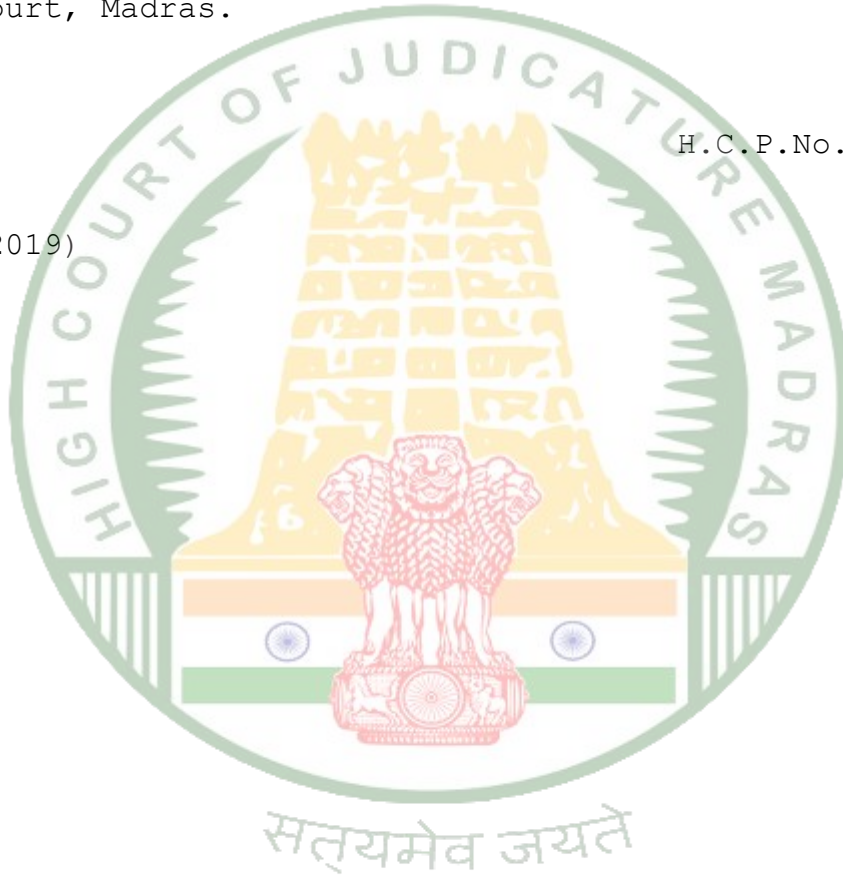
3.The Inspector of Police,
Tambaram Police Station,
Tambaram, Chennai-600 044.

4.The Superintendent of Police,
Nilgris District, Udagamandalam.

5.The Public Prosecutor
High Court, Madras.

H.C.P.No.465 of 2019

GJII (CO)
SP(23/04/2019)



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