

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 538 of 2019

Chitra

... Petitioner

-vs-

1.The Commissioner of Police,
Egmore, Chennai - 600 008.

2.The Inspector of Police,
Selaiyur Police Station,
Chennai - 75.

3.Prakash

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing respondents 1 and 2 to produce the body of the daughter Selvi.Sasi aged about 15 years, daughter of Chitra, who is now kept under illegal custody of the 3rd respondent, before this Court and handover the detinue to the petitioner.

For Petitioner : Ms.Shaikh Mehrunisa

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor
for R1 and R2

ORDER

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

Seeking a direction to respondents 1 and 2 to produce the body of Sasi, female, aged about 15 years, daughter of Chitra, who is now kept under illegal custody of the third respondent and to handover the detinue to the petitioner, the present Habeas Corpus Petition has been filed.

2. We have already passed an order on 16.09.2019 taking note of the difference found in the certificates produced. Learned Additional Public Prosecutor, on instructions, submitted that all the certificates are genuine. However, the certificates produced by the petitioner at the time when the detainee was studying in seventh standard indicating the date of birth as if she was a minor is with respect to the school in which she was admitted by her relative by name Selvi.

3. Suffice it to state that the latest school certificate shows that the detainee is a major. After all, the petitioner's husband, namely, the father of the detainee is privy to the birth certificate and the latest school certificate.

4. The detainee, who is also present before us and who is in the family way, has also stated that she is willing to go only with her husband, namely, the third respondent.

5. The learned Additional Public Prosecutor submitted that the petitioner is not cooperating by producing the certificates of the younger sister of the detainee for corroborating as it is the specific case of the petitioner that the birth certificate and the latest school certificate are that of the elder sister of the detainee. Therefore, the other certificates of the elder sister are also not produced. Under those circumstances, we are inclined to set the detainee at liberty.

6. In such view of the matter, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Commissioner of Police,
Egmore, Chennai - 600 008.

2. The Inspector of Police,
Selaiyur Police Station,
Chennai - 75.

3. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 538 of 2019

MR (CO)

CB (29/11/2019)