

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2019

CORAM:

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

H.C.P.No.524 of 2019

K.Amsavalli

.. Petitioner

Vs.

1.The Inspector of Police
R-8, Vadapalani Police Station
Vadapalani
Chennai - 600 026.

2.V.Vinoth

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the first respondent to produce the body of petitioner's daughter, namely Mrs.K.Priya, Wife of Manikumar. Daughter of S.Kuppusamy, aged about 25 years before this Court and to set her at liberty.

For Petitioner .. Ms.M.Rakhi

For Respondents.. Ms.V.Saradha Devi
Government Advocate [Crl. Side] for R1

ORDER

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

The petitioner is the mother of the detinue namely K.Priya, aged about 25 years. The marriage between the petitioner and Mr.Manikumar was solemnised on 02.03.2017, and due to misunderstanding between the detinue and her husband, the detinue left her matrimonial home and started living with the petitioner from January '2018. The petitioner is working as a Tailor and on 28.02.2019, when she returned home at 8.30 pm from her work, she found her daughter missing and despite valiant efforts made to trace the detinue, she was not able to locate her and therefore, she lodged a complaint with the respondent-police on 01.03.2019, based on which, initially CSR.No.200/2019 was registered and subsequently, a case in Crime No.115 of 2019 was registered for "woman missing". Since the respondent-

police is inactive to take action on the complaint and showed no interest, the petitioner being the mother of the detenue, is concerned about the whereabouts of the detenue, and came forward to file the present Habeas Corpus Petition.

2. At request of the learned Additional Public Prosecutor, the matter is listed today for the reason that the detenue is traced by the respondent-police.

3. The detenue was enquired by this Court and she would state that she has been subjected to torture at the hands of her husband, and he is addicted to cannabis and unable to bear with the same, she returned to her parental home and out of her own will and wish, she went along with the second respondent to Chidambaram, who is stated to be his friend, for the reason that the second respondent had promised her to get a good job. The detenue would further state that, she is willing now to go back to her parental house.

4. The mother of the detenue is also present and she is ready and willing to take back her daughter and also assured to take care of her custody and well-being.

5. In the light of the fact that the detenue is a major, and on production, she has expressed her willingness to go back to her parental home, this Court is of the view that no further orders are necessary in this Habeas Corpus Petition and hence it is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Inspector of Police
R-8, Vadapalani Police Station
Vadapalani
Chennai - 600 026.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.25665

H.C.P.No.524 of 2019

SPD(CO)

RRS(08/05/2019)