

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

HCP.No.571 of 2019

Mrs.R.Vellaiyammal

.. Petitioner

Versus

1.The State rep. by
The Commissioner of Police,
Greater Chennai City
Vepery, Chennai.

2.The Inspector of Police,
P5, MKB Nagar Police Station,
Vysarpadi,
Chennai-39.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the respondent to produce the body of R.Arunadevi aged 21 years petitioner's daughter residing at No.5, Sharma Nagar, 1st Street, Vyasarpadi, Chennai-600 039 before this Court and set her liberty.

For Petitioner : No appearance

For Respondents : Mrs.V.Sarathadevi

ORDER

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

The petitioner is the mother of the detainee, namely R.Arunadevi aged about 21 years (D.O.B.30.07.1997). It is further averred that for the past 6 months, one Abbas Naani, resident of Mullai Nagar, Vysarpadi continuously followed her daughter and the said fact was also informed by her to the parents. Though the said fact has been brought to the knowledge of the jurisdictional police in the form of several complaints, no action has been taken. The petitioner would further aver

that on 09.03.2019 from 11.30 p.m onwards, his daughter is found missing and 50 sovereign gold jewels and Rs.2 lakhs cash were also taken and concerned about the well being and whereabouts of the daughter, lodged a complaint on the file of the 2nd respondent, based on which, C.S.R.No.108 of 2019 was registered on 10.03.2019 but however, no FIR came to be registered.

2. The detenue who is present before this Court was enquired and she would state that she has completed B.Sc Maths and she is in love with Abbas Naani, who is employed as Sales man in a Life Style show room, Anna Nagar and since, she is a major, she can be permitted to decide about her future.

3. One Mr.Abbas Naani as well as his sister are present and they would state that after marriage, as per the religious practice is concerned, it is for the detenue to make her own decision and they would not compel them to follow the Islamic Rites.

4. In the light of the fact that the detenue being a major and on her own volition left the parental home and also expresses her intention to marry Abbas Naani, this Court is of the considered view that she is to be set at liberty to take her decision as to her well being and future.

5. In the result, the Habeas Corpus Petition is disposed of. The detenue is set at liberty so as to enable her to take the decision as to her future and well being.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai City, Vepery, Chennai.

2.The Inspector of Police,
P5, MKB Nagar Police Station, Vysarpadi, Chennai-39.

3.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.Mu.Manimuthu, Advocate, Sr.No. 25323

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CSL/07.05.2019