

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM:

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

H.C.P.No.673 of 2019

C.Valarmathi

.. Petitioner

Vs.

1.The Inspector of Police
Velipalayam Police Station
Nagapattinam District.

2.The Superintendent of Police
O/o. Superintendent of Police
Nagapattinam District.

3.M.Silambarasan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, calling for the records in Crime No.102 of 2019 dated 20.03.2019 on the file of the first respondent and direct the respondents herein to produce the body of the petitioner's daughter namely Shalini, D/o.Chandiran, aged 20 years before this Court and set her at liberty.

For Petitioner... Mr.M.Mohamed Saifulla

For Respondents.. Mrs.V.Saratha Devi
Government Advocate [R1 & R2]

ORDER

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

The petitioner is the mother of the detenu, namely Shalini, aged 20 years [DOB:30.06.1999] and according to her, the detenu being enticed by the sweet words and guile of the third respondent, she left her parental home on 20.03.2019. The petitioner, having expressed concern about the well-being and whereabouts of her daughter, lodged a complaint before the

respondent-police on 20.03.2019, based on which, a case in Crime No.102 of 2019 was registered by the Inspector of Police, Velipalayam Police Station for 'woman missing'.

2. The grievance expressed by the petitioner is that despite registering of the case by the respondent-police, no proper steps have been taken by them to trace the detainee and hence, she came forward to file the present Habeas Corpus Petition.

3. The detainee was present before this Court today and on enquiry, she would state that she, on her own volition, had went along with the third respondent and married him on 21.03.2019 at a Pillaiyar Temple situated at Chimizhi Mettu Street, Valangaimaan Taluk in Thiruvarur District, as per Hindu rites and customs, in the presence of Rationalist Legal Aid Advocate's Association and she also produced a copy of marriage solemnizing certificate attested by Mr.C.Pandiyan, B.Sc.,B.L., Advocate & Notary, [Enrl.No.MS.415/2016]/Notarial Certificate No.1421/2019 dated 25.03.2019, and she would further add that as of now, she and the third respondent are leading a happy life as husband and wife.

4. The petitioner/mother of the detainee is a Government employee and on account of Election Duty, she is unable to present before the Court and on her behalf, the elder sister of the detainee, viz., Mrs.Shanthi is present today and she would state that since the detainee has taken a decision on her own volition, she could say anything more.

5. In the light of the fact that the detainee being a major and according to her, she loved the third respondent and in order to get him married, she left the parental home on her own wish and volition and also got herself married to the third respondent on 21.03.2019, this Court cannot pass any positive order as prayed for by the petitioner/mother of the detainee. The detainee namely Shalini is however set at liberty and she is free to take a decision as to the well-being and future prospects of her life.

6. In the result, this Habeas Corpus Petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1.The Inspector of Police
Velipalayam Police Station
Nagapattinam District.

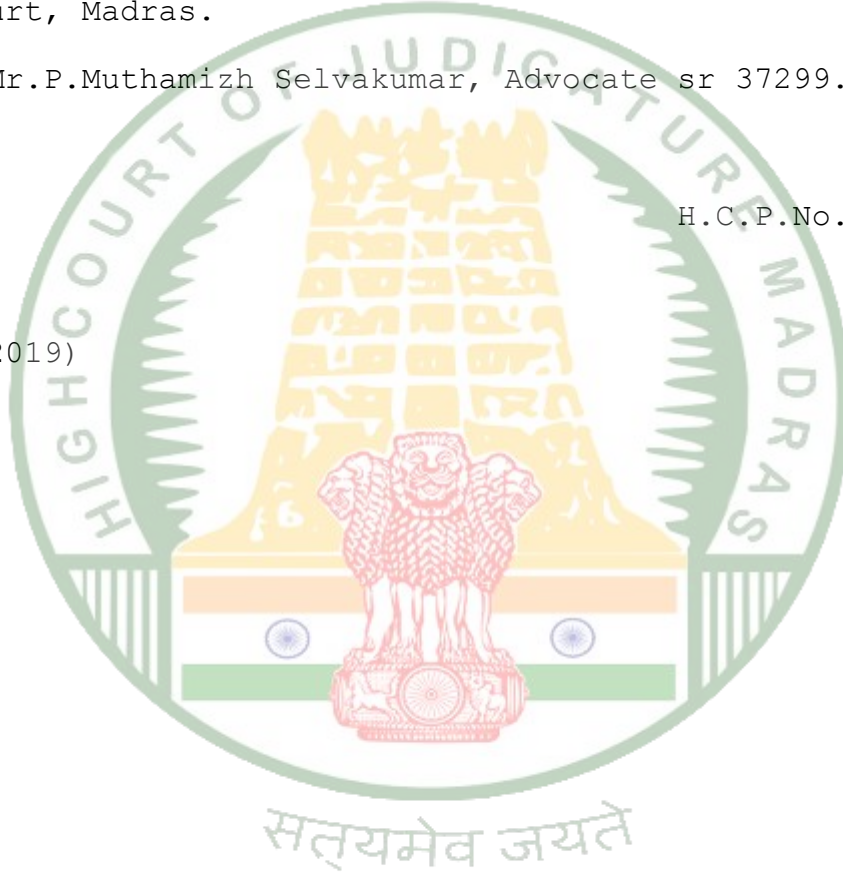
2.The Superintendent of Police
O/o. Superintendent of Police
Nagapattinam District.

3.The Public Prosecutor
High Court, Madras.

+1 CC to Mr.P.Muthamizh Selvakumar, Advocate sr 37299.

H.C.P.No.673 of 2019

SSI(CO)
SP(29/05/2019)



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