

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM:

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

H.C.P.No.697/2019

K.Kanaka

.. Petitioner

vs.

1.The Superintendent of Police
Dharmapuri, Dharmapuri District.

2.The Deputy Superintendent of Police
Dharmapuri, Dharmapuri District.

3.The Deputy Superintendent of Police
Arur, Dharmapuri District.

4.The Inspector of Police
Bommidi Police Station
Dharmapuri District.

5.The Inspector of Police
Thoppur Police Station
Dharmapuri District.

6.M.Thamaraikodi

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents herein to produce the person of the detenu by name K.Aravindhan, son of Krishnamoorthy, door No.6/47, Pankunaththam Kottaai Village, Samichettypatti Post, Nallampalli Taluk, Dharmapuri District, aged about 20 years who is the son of the petitioner herein before this Court and set him at liberty.

For Petitioner .. Mr.M.Senthamizh Selvan

For RR 1 to 5 .. Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, viz., Aravindhan, aged about 20 years, and he was studying B.A [English] in PMP College, Dharmapuri wherein, the 6th respondent is working as a Lecturer.

2 The learned counsel for the petitioner would submit that the detenu was lured by the 6th respondent and he was taken by her from the custody of his parents and it appears that the detenu as well as the 6th respondent subsequently got married and out of wedlock, a male child has also been born. It is the further submission of the learned counsel the petitioner that despite the fact that the detenu was prevented from making contact with his mother - petitioner herein and apprehending the well being and safety of the detenu, the petitioner was constrained to approach this Court by filing this petition.

3 When this petition was listed for admission on 04.04.2019, this Court having formed the opinion that the detenu was a major and as such, in the absence of any specific allegation as to the illegal custody and detention, the Habeas Corpus Petition is not maintainable, directed listing of this matter before some other Bench and in the interregnum, since the detenu has been traced and produced before this Court, this petition is taken up for hearing at the instance of the learned counsel for the petitioner.

4 The detenu Aravindhan is produced before this Court by the learned counsel for the petitioner today and he has also been enquired by this Court and he would state that the age difference between him and the 6th respondent is about 10 years and lured by her sweet words and promise, he was forced to be in the company of the 6th respondent and he has been subjected to physical and verbal abuse by the 6th respondent as well as by her family members and he is willing to go with his mother who is also present before this Court today.

5 The learned Additional Public Prosecutor appearing for the respondents 1 to 5 would submit that on the basis of the complaint of the petitioner on 07.04.2019, a case in crime No.68/2019 came to be registered by the 4th respondent for 'man missing' and despite the fact that the detenu has been traced and he has also expressed his willingness to go with his mother, who is present before this Court, the investigation will proceed on right lines.

6 This Court has considered the rival submissions and

also perused the materials placed before it.

7 Admittedly, the detenu is a major and on his production, he is willing to go along with his mother - petitioner herein. Therefore, he is set at liberty and the detenu is also at liberty to go along with the petitioner herein / mother of the detenu.

8 The Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Superintendent of Police
Dharmapuri, Dharmapuri District.

2.The Deputy Superintendent of Police
Dharmapuri, Dharmapuri District.

3.The Deputy Superintendent of Police
Arur, Dharmapuri District.

4.The Inspector of Police
Bommidi Police Station
Dharmapuri District.

5.The Inspector of Police
Thoppur Police Station
Dharmapuri District.

6.The Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.R.J.Yoga Anandhi, Advocate, S.R.No. 40445

H.C.P.No.697/2019

AD(CO)
GN(04/06/2019)