

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 09.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2747 of 2019

A.Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
H1, Otteri Police Station,
Otteri Mannivakkam,
Kancheepuram District.

3.Jayanthi

4.Dhayalan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body and person of the detainee, by name, Kalpana, who is aged about 19 years before this Court and from the custody of the 3rd and 4th respondents and set her at liberty.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor
for R1 and R2

O R D E R

(Order of this Court was made by R.SUBBIAH,J.)

This Habeas Corpus Petition has been filed for a direction to produce the detainee, namely, Kalpana, aged about 19 years, before this Court and set her at liberty.

2.The petitioner is the husband of the detainee, namely, Kalpana, aged about 19 years. The petitioner has stated in the affidavit filed in support of this petition that both the detainee and the petitioner were having love affair and got married on 16.11.2019 at Muthumariamman Temple as per Hindu

customs and rituals. In the said circumstances, the mother of the detainee, the third respondent herein made a complaint before the Inspector of Police, Peerkankaranai Police Station on 18.11.2019 and the petitioner and detainee appeared before the police on 22.11.2019 for enquiry. The Inspector of Police, Peerkankaranai Police Station has conducted an enquiry and found that both of them were majors. Therefore, the said complaint was closed based on the undertaking given by them. While so, the third respondent, by making a false promise to the petitioner that for settling the loan amount for the house, the presence of the third respondent is necessary and thus took the detainee along with her with an assurance to the petitioner that she would send back the detainee very shortly. But, contra to the assurance given by her, the detainee was not sent back to the petitioner's house. Though the petitioner has made a request to the detainee's mother to send back the detainee, the said request was not acceded. Hence, the petitioner made a complaint to the second respondent on 01.12.2019. Since the police has not taken any steps to secure the detainee from respondents 3 and 4, the petitioner is before this Court with the present Habeas Corpus Petition.

3.Today, when the petition is taken up for consideration, the detainee and the petitioner are present before this Court.

4.The detainee submitted before this Court that she is a major and she left her house and joined with her mother on her own and that there was no illegal detention.

5.In view of the submission made by the detainee, nothing survives for further adjudication in this Habeas Corpus Petition. As there is no allegation of illegal detention, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Kancheepuram District,Kancheepuram.
- 2.The Inspector of Police,
H1, Otteri Police Station,Otteri Mannivakkam,
Kancheepuram District.
- 3.The Public Prosecutor, High Court, Madras.

Akm/28.01.2020 /2p-4c/

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