

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.02.2019

CORAM

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

HCP.No.2711 of 2018

K.Gopi

..Petitioner

Versus

1.The Inspector of Police,
Tiruthani Police Station
Tiruvallur District.

2.The Superintendent of Police,
Tiruvallur District.

3.Mr.L.Govindan

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to produce the person or body of the detainee by name G.Soundarya, daughter of Mr.Gopi, before this Court.

For Petitioner : M/s.S.Sujatha Suresh Kumar

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor
for R1 and R2

Mr.N.R.Kaushik for R3

ORDER

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

The petitioner is the father of the detainee viz., Mrs.Soundraya aged about 23 years. According to him, her daughter had completed B.Sc., B.Ed., and they also made marriage arrangements for their daughter and betrothal function is to be performed on 14.09.2018 and the marriage to be performed on 08.11.2018 and however, she was found missing on that day and the petitioner being concerned with the well being of her

daughter and that inspite of best efforts, she is unable to be traced. The petitioner, in this regard, has lodged a complaint on the file of the 1st respondent, based on which, a case in C.C.No.1054 of 2019 came to be registered on 09.11.2018 for ''Women Missing''. The petitioner, subsequently came to know that his daughter / detainee came to be kidnapped by the 3rd respondent for getting her jewels and also sexual abuse and apprehending the life of her daughter and that the 1st respondent Police did not take any further effective action, came forward to file this habeas corpus petition.

2. The Habeas Corpus Petition was entertained on 28.11.2018. The detainee as well as the 3rd respondent had been produced by Mr.N.R.Kaushik, learned counsel appearing for the 3rd respondent and he produced both of them before this Court and filed individual affidavits dated 11.02.2019 and the same have been taken on file and recorded. The detainee was also enquired and she would state that she was in love with the 3rd respondent and on her own volition, left the parental home on 08.11.2018 and on 14.11.2018, both of them got married at Sri Sivalingeswarar Swamy and Sri Veerabadra Swamy Temple, Devanthotti Gramam, Tenkanikottai, Krishnagiri District and subsequently, the said marriage was also registered at the office of the District Registrar, Sri Balaji Registration District, Tirupathi vide Marriage No.72 of 2019 date 01.02.2019. The detainee would further state that she is also in family way and also produced clinic report of PMK Scan Centre, Denkanikottai. The 3rd respondent was also present and he would state that he is pursuing his post graduate course in English and he has also completed B.Ed and he is still searching for job and he would take care of his wife with all love, care and affection and ensure better future for her.

3. The parents of the detainee was also present and they would state that their daughter has not disclosed her love affair to them and with huge expense, they arranged for the betrothal function and also subsequently marriage function and all of a sudden, she left the parents to hang their head in shame and the petitioner is very much concerned about the welfare of the detainee/daughter on account of the fact that the 3rd respondent is unemployed so also the detainee.

4. Mr.N.R.Kaushik, learned counsel for the detainee as well as the 3rd respondent also made a submission based on the affidavit filed by them.

5. Mr.C.Iyappa Raj, learned Additional Public Prosecutor would submit that since a case has also been registered, fair, proper and impartial investigation will be done and periodical Status Report will be filed before this Court.

6. This Court has considered the rival submission and also perused the material placed before it.

7. In the light of the fact that the detenue is a major and it prima facie appears that she, on her own volition, left with the company of the 3rd respondent and further claims that she is also married to him and she is in family way, this Court is of the considered view that she is not in the illegal custody/detention of the 3rd respondent and however, this Court makes it clear that though, this petition deserves closure, the 1st respondent is directed to conduct fair, proper and impartial investigation as to the case registered by them and file a periodical status report to this Court.

8. In the result, this Habeas Corpus Petition is closed. Call on 04.03.2019. Status report of the 1st respondent by then.

sk

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Tiruthani Police Station
Tiruvallur District.
- 2.The Superintendent of Police,
Tiruvallur District.
- 3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.N.R.Kaushik, Advocate, SR.No. 13976

HCP.No.2711 of 2018

Kak(04/04/2019)