

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.2842 of 2019

R.Jayanthi

..Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai-600 007.

2. The Inspector of Police,
R 9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

..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 petitioner's daughter Mrs.Indhumathi, wife of Mohan aged about 33 years before this Court and set her at liberty.

For Petitioner: Mr.K.Shanmugam

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

WEB COPY

ORDER

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

The petitioner is the mother of the detainee viz., Mrs.Indhumathi wife of Mohan, aged about 33 years and according to her, she left the home on 12.11.2018 at about 11.00 a.m for the purpose of buying groceries. The detainee took her DIO Bike

bearing Registration No.TN10 5115, but she did not return. The petitioner, in this regard, has also lodged a complaint on 12.11.2018 on the file of the 2nd respondent, based on which C.S.R.No.581 of 2018 came to be registered and enquiry is going on. The petitioner, apprehending the safety and welfare of her daughter and anxious to know about her whereabouts, came forward to file this Habeas Corpus Petition.

2. The matter was listed for hearing on 14.01.2019 and this Court has taken note of the submission made by the learned Public Prosecutor appearing for the State that the detinue had moved H.M.O.P.No.4977 of 2018 on the file of Sub Court, Ponneri, praying for dissolution of marriage and later on withdrawn the said petition and she had eloped with one Charan parthiban on 03.06.2018. The detinue has also filed CrI.O.P.No.15263 of 2018 praying that she went on her own volition and she should not be arrested. Accordingly, CrI.O.P.No.15263 of 2018 was dismissed on 12.06.2018 and it was further represented that again the detinue eloped with Mr.Charan Parthiban on 16.06.2018 which led to the registration of the case in Crime No.201 of 2018 for 'Women Missing''. In pursuant to the investigation done, she was traced at Andhra Pradesh on 17.06.2018 in the company of Mr.Charan Parthiban and her production was caused in H.C.P.No.1138 of 2018 and the detinue preferred to go with the said person and she was once again traced and produced before the Judicial Magistrate No.1, Poonamalle and recorded her disinclination to join company of her married husband.

3. Though the learned counsel for the petitioner as well as the mother of the detinue who is personally remain present before this Court, tried their level best to appreciate this Court to once again trace the detinue, so that, proper advice can be given to her, in the light of the above said conduct of the detinue recorded by this Court in the earlier order dated 04.01.2019, this Court is of the considered view that no purpose would be attained by keeping this Habeas Corpus Petition pending. In this kind of matters, this Court cannot preach morality for the reason that the detinue is a married women, aged about 33 years, having two daughters. She had chosen her own choice of life. In the considered opinion of this Court, the detinue is not in illegal custody / company.

4. In the result, this Habeas Corpus Petition is closed. However, the 2nd respondent is directed to conduct investigation in respect of the case in Crime No.246 of 2018 registered on the file of the 2nd respondent, in a fair and impartial manner and strictly in accordance with law and as and when the detinue is traced, she shall be produced before the Judicial Magistrate Court. Before doing so, the petitioner was also to be informed

in advance so that she may be in a position to see her daughter.

sk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai-600 007.

2.The Inspector of Police,
R 9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

3.The Public Prosecutor,
Madras High Court.

+2cc to Mr.K.Shanmugam, Advocate, Sr.No.13878

HCP.No.2842 of 2019

Kak(21/03/2019)



WEB COPY