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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD) No.508 of 2019

Rajasekar

... Petitioner

Vs.

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

2.The Inspector of Police,
Sozhavanthan Police Station,
Madurai District.

3.Moorthi

4.Perumal

5.Shanthi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu - petitioner's daughter by name Rathinakumary @ Janani, daughter of Rajasekar, aged about 23 years, bodily before this Court and set her at liberty.

For Petitioner : Mr.T.Selvam

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 and R.2

ORDER

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

The petitioner is the father of the detenu, namely Rathinakumari @ Janani, aged about 23 years and according to him, on 31.03.2019, the respondents 3, 4 and 5 visited their home seeking marriage alliance and it was refused and at later point of time, the petitioner received a message from the mobile No.9688703214 mentioning "Arohara".

<https://hcservices.ecourts.gov.in/hcservices> 2. The petitioner would submit that her daughter was found missing from 30.05.2019 and also tried to find out the whereabouts of her daughter and since it was found to futile, the petitioner



lodged a compliant on the file of the second respondent. The petitioner, apprehending the safety, well being and the whereabouts of her daughter and on account of the lack of co-operation on the part of the second respondent, came forward to file this Habeas Corpus Petition.

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3. The matter was entertained on 17.06.2019 and the learned Additional Public Prosecutor accepted notice and sought time to get instructions.

4. When the matter is listed today, the detenu is produced before this Court and she would submit that she is an engineering graduate, having its specialisation of E.C.E and the third respondent has studied upto 10th std., and on her own volition, she went with the third respondent and got married and however, is unable to produce the proof of marriage.

5. The parents of the detenu are also present before this Court and since they want time to interrogate with their daughter, time had been given to them and the detenu had also interrogated with her parents and however, she necessitated that she is not willing to go with her parents.

6. The learned Counsel appearing for the petitioner would submit that the detenu may be given proper counselling.

7. This Court, taking into consideration the fact that the detenu is a major and also a B.E., graduate and on her own volition, she went out her parental home and married the third respondent, cannot pass any favourable order entrusting her custody to her parents. Therefore, this Court sets the detenu at liberty, so as to enable her to take a call with regard to her future and well being. Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-)

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To

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

2. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Sozhavanthar Police Station,
Madurai District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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