



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P (MD) No. 570 of 2019

Gunasekaran

... Petitioner

Vs.

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

2. The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.

3. Aswin

4. Alagesan

5. Malargodi

6. Vigneshwaran

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the first and second respondents herein to produce the body of the detenu namely Maruthakanmani, aged about 24 years, daughter of Gunasekaran before this Court.

For Petitioner : Mr. S. Muniyandi

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 Maruthakanmani, aged about 24 years and according to him, she has studied medicine in China and is employed in a private clinic and alleging her illegal custody and detention at the hands of the respondents 3 to 6, came forward to file this Habeas Corpus Petition.

2. The learned Counsel appearing for the petitioner would submit that with regard to the missing of his daughter, the petitioner lodged a complaint on the file of the second respondent, based on which, C.S.R.No.226 of 2019 was registered and however, the second respondent police did not take any efforts to trace his



daughter and the petitioner, being a father, very much concerned about the safety, well being and whereabouts of his daughter, came forward to file this Habeas Corpus Petition.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, accepts notice on behalf of the respondents 1 and 2 and on instructions, would submit that during the course of enquiry, the detenu had appeared before the second respondent and gave a written statement dated 11.04.2019 stating that she is in love with the third respondent and they also got married at Mariamman temple, Pattukottai and a complaint given by his father, as to her alleged abduction and illegal detention, is not correct and also undertakes to submit a marriage certificate to the said police station within a period of one month.

4. It also appears that the petitioner has also given a written letter dated 10.04.2019 in this regard and however, the said fact has not been disclosed in the affidavit filed in support of the Habeas Corpus Petition. Be that as it may, the detenu is a major and *prima facie*, it appears that on her own volition, she left her parental home and chose to live with the third respondent and she is also well educated and in the light of the said facts and circumstances, this Court is not in a position to come to aid of the petitioner.

5. In the result, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.

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

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