



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

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

H.C.P.No.144 of 2020

Govindarasu .. Petitioner

Vs.

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

2. The Inspector of Police,
Veppur Police Station,
Cuddalore District.

3. Poovarasan

4. Iyyappan

5. Mohana

6. Kannan

7. Sakthi

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first and second respondents to produce the petitioner's daughter, namely Gomathi, wife of Krishnamoorthy, aged 19 years, now illegal custody of respondents 3 to 7 herein, before this Court and set her at liberty to secure the ends of justice.

For petitioner : Mr.R.Sankarasubbu for M/s.M.Velmurugan

For respondents: Mr.R.Prathap Kumar, Addl.P.P. for RR-1 & 2

Mr.G.Anabaya Chozan for RR-3 to 7

ORDER

(The Order of the Court was made by R.Subbiah,J)

This Habeas Corpus Petition is filed by the petitioner praying for issuance of a Writ of Mandamus to direct the first and second respondents to produce the petitioner's daughter, namely Gomathi, wife of Krishnamoorthy, aged 19 years, now illegal custody of respondents 3 to 7 herein, before this Court and set her at liberty to secure the ends of justice.



2. The detinue is the daughter of the petitioner. She went missing on 09.09.2019 at about 9.30 a.m. when she went to market from the house and thereafter, she did not return. Hence, the petitioner lodged a complaint with the second respondent-Police, but no action was taken. Later, the petitioner came to know that his daughter was abducted by the third respondent with the help of the respondents 4 to 7. She is in illegal detention by the respondents 3 to 7 and hence, the petitioner made a representation to the first respondent on 09.01.2020, but no action was taken. Hence, the petitioner has filed the present Habeas Corpus Petition for the relief stated supra.

3. Today, when the matter is taken up for consideration, the detinue is produced and when we enquired her, she stated that she attained majority and her date of birth is 23.08.2001, in proof of which, she has produced a copy of her Birth Certificate. She further stated that she fell in love with the third respondent and on her own accord, she left the house. She expressed her unwillingness to go along with the petitioner. In this regard, the learned counsel for the petitioner submitted that the third respondent has not attained the age of marriage and the marriage said to have been conducted between the petitioner and the third respondent, is not valid. This is denied by the learned Additional Public Prosecutor appearing for the respondents 1 and 2. However, this Court is not conducting any roving enquiry on this issue. As on date, it is stated by the detinue that she is major and she is not in illegal detention under anybody and she has also produced her Birth Certificate to show that she is major. Therefore, we have no other option, except to close the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is closed. If there is any other grievance to the petitioner, he has to work out his remedy only in the manner known to law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS
To

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

2. The Inspector of Police,
Veppur Police Station, Cuddalore District.

3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.G.Anabaya Chozan , Advocate SR.No. 10086

H.C.P.No.144 of 2020

A.SK(05/03/2020)