

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 27.01.2020

CORAM :

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

H.C.P.No.125 of 2020

Gopamma
W/o.Manjunath ... Petitioner/Mother of the detenue

versus

1.The State Rep. by
The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

3.Muniraj

4.Chakkarlappa

5.Govindamma

6.Muniyappa

7.Dhanalakshmi

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person and body of the petitioner's Minor daughter, Aswini, aged about 17 years, before this Court and hand over her custody to the petitioner herein.

For Petitioner : Mr.E.Kannadasan

For Respondent Nos.1 & 2 : Mrs.M.Prabhavathi

Additional Public Prosecutor

ORDER

[Order of this Court was made by R.SUBBIAH, J.]

This Habeas Corpus Petition has been filed for a direction to produce the detenue, namely, Aswini, M/o.Gopamma, aged about 17 years, before this Court and set her at liberty.

2. The petitioner is the mother of the detenue, namely, Aswini, aged about 17 years. The petitioner has stated in the affidavit filed in support of this petition that, due to land dispute, on 11.05.2017, the respondents 3 to 7 had kidnapped the detenue. On knowing the same, the petitioner has preferred a complaint on 12.05.2017 before the second respondent-Police against them and CSR number has also been assigned in C.S.R.No.190/2017. Thereafter, the third

respondent has produced the detenue before the second respondent-Police.

3. While so, on 27.11.2019 at about 3.00p.m., again the petitioner's daughter was found missing. Thereafter, the petitioner searched the detenue from her friends, relatives and neighbours home, but she could not trace the detenue. In the meantime, one of her neighbour informed that the third respondent was forcibly kidnapped the detenue with the help of the respondents 4 to 7. In this regard, the petitioner preferred a complaint before the second respondent-Police, against the respondents 3 to 7. Since the police has not taken any action, the petitioner is before this Court with the present Habeas Corpus Petition.

4. When the petition is taken up for hearing today, the detenue-Aswini is produced before this Court. She is aged about 17 years. When we enquired her, she submitted that on her own volition, she went along with the third respondent and now, the marriage was arranged with him. Further, she expressed her willingness only to go with her mother-Gopamma.

5. Since the detenue is willing to go along with the petitioner-mother, no further deliberations in that regard is warranted in this case. Hence, while setting her at liberty, this Court permits the detenue to go as per her wish, along with her mother-Gopamma.

6. With these observations, the Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sri
To

1.The Superintendent of Police,
Government of Tamil Nadu,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.