

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM:

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

H.C.P.No.252 of 2020

Pushpavalli

... Petitioner/Mother of the Detenue

Vs.

State rep. by
The Inspector of Police,
Old Washermenpet Police Station,
Chennai.

... Respondent/Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondent to produce the body or person by this Court to the petitioner's daughter, namely Vinitha, D/o Moorthy, aged about 19 years, before this Court and set her at liberty forthwith.

For petitioner : Mr.R.Sasikumar

For respondent : Mr.R.Prathap Kumar, Addl.P.P.

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 Habeas Corpus to direct the respondent to produce the body or person of the petitioner's daughter, namely Vinitha, D/o Moorthy, aged about 19 years, before this Court and set her at liberty forthwith.

2. The petitioner has got two children, namely the daughter-detinue-Vinitha, aged about 19 years and son, namely Dhayanidhi, aged about 14 years. The petitioner's daughter is studying BCA course. One Gowtham, college mate of the petitioner's daughter, proposed love to her, which came to the knowledge of the petitioner and thereby they had shifted her daughter to another

College for peaceful study. Taking into consideration her future, the petitioner arranged marriage for her daughter on 05.02.2020. The said Gowtham convinced that he will take care of the petitioner's daughter. While so, on 23.01.2020, the petitioner's daughter (detenue) went missing and she apprehended that the said Gowtham would have taken her in his custody and she also apprehended that there was possibility of her marriage with the said Gowtham. It is further stated by the petitioner that the said Gowtham is not in marriageable age, he being only 19 years old.

3. It is further stated by the petitioner that thereafter, she complained to the Police and the FIR was registered in Crime No.87 of 2020 in the caption "woman missing". It is the grievance of the petitioner that after registering the FIR, since no effective steps have been taken by the respondent, the petitioner has preferred this Habeas Corpus Petition.

4. When the matter is taken up for consideration, the respondent produced the detenue. We have enquired her. She stated that she had fallen in love with the said Gowtham and therefore, she, on her own volition, went along with him. Further, she expressed her unwillingness to along with the petitioner. As the detenue had attained 19 years of age and being major, she is entitled to take decision on her own. Thus, it is clear that the detenue is not under illegal custody of anyone. Hence, nothing further survives for adjudication in the present Habeas Corpus Petition, which is accordingly closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

cs

To

1. The Inspector of Police,
Old Washermenpet Police Station,
Chennai.

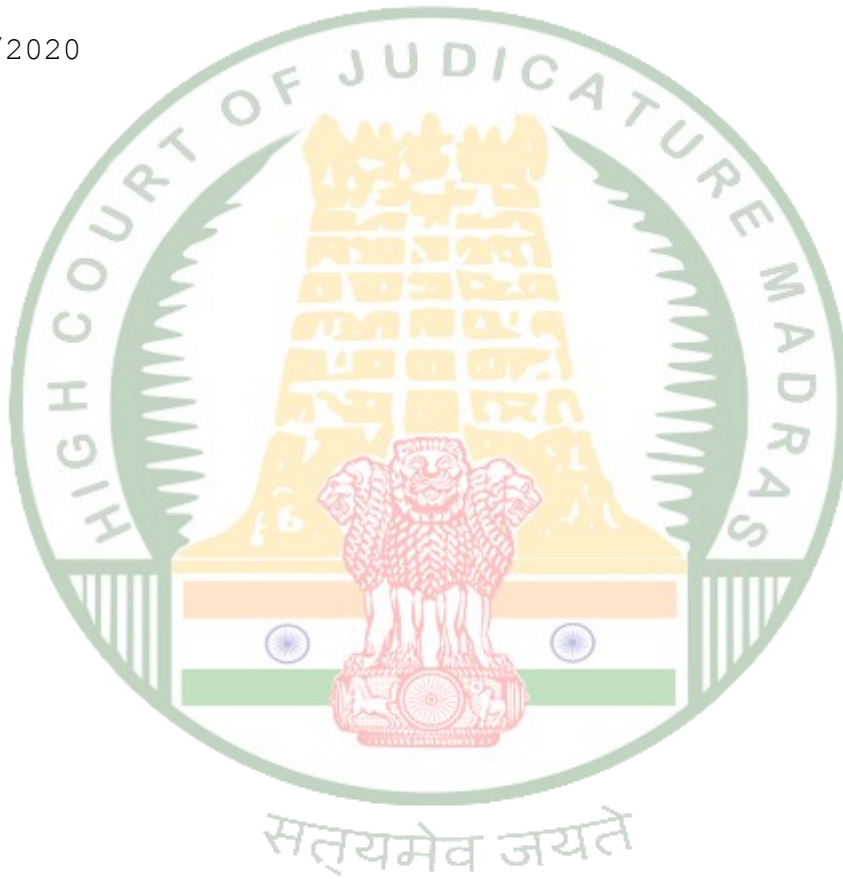
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2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate Sr.14868

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srg 20/03/2020



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