

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.366 of 2020

D.Gunbasekaran

..Petitioner

Vs.

1. The State rep. by
Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

2. Arockia Varkeesh

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the first respondent to produce the body of the petitioner's daughter G.Nisha, aged 23 years, before this Court, who is illegally detained by the second respondent and set her at liberty forthwith.

For petitioner : Mr.D.Rajagopal

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

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ORDER

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

The petitioner has filed the above Habeas Corpus Petition praying for issuance of a Writ of Habeas Corpus to direct the first respondent to produce the body of the petitioner's daughter G.Nisha, aged about 23 years, before this Court, who is illegally detained by the second respondent and set her at

liberty forthwith.

2. The petitioner is the mother of the detainee G.Nisha, who is an Engineering Graduate having completed the B.E. course in the year 2018 and she is the first daughter of the petitioner. In the month of January 2019, she joined BHEL Company, Nandambakkam, Chennai, as Trainee Apprentice and she completed the training in December 2019. On completion of the training, she came to the house on 30.12.2019. Further, on 03.01.2020, one Arockia Varkeesh (second respondent herein) belonging to Manapakkam, Chennai, came to the house of the petitioner and stated that he is in love with the petitioner's daughter/detenu G.Nisha. When the petitioner enquired her daughter (detenu) regarding the said statement of the said Arockia Varkeesh, she stated that she has no such love affair with him. However, considering the safety of the petitioner's daughter-detenu, the petitioner took her to her co-brother's house in Uthampalayam, Namakkal District and left her there on 04.01.2020. While so, all of a sudden, on 05.02.2020 at about 9.15 a.m., the detenu went missing from the petitioner's co-brother's house. Hence, the petitioner lodged a Police complaint on 06.02.2020 before the first respondent-Police and also to the Superintendent of Police, Namakkal District, on the ground that her daughter was abducted by the said Arockia Varkeesh. Further, she also gave a representation to the Superintendent of Police, Namakkal by Registered Post on 11.02.2020. Since no action was taken, the petitioner has filed the present Habeas Corpus Petition for the relief stated supra.

3. When the Habeas Corpus Petition is taken up for hearing, the detenu-Nisha is produced before this Court. We have enquired her. She informed her that she went on her own volition with the second respondent and married him. It is further stated by her that they have also submitted application for registering their marriage under the Special Marriage Act. She further stated that she is major. Thus, it is clear that the detenu is not under illegal detention with anyone. We have also enquired the father of the detenu. Since the detenu is major, she is entitled to take her own decision.

4. With the above observations, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

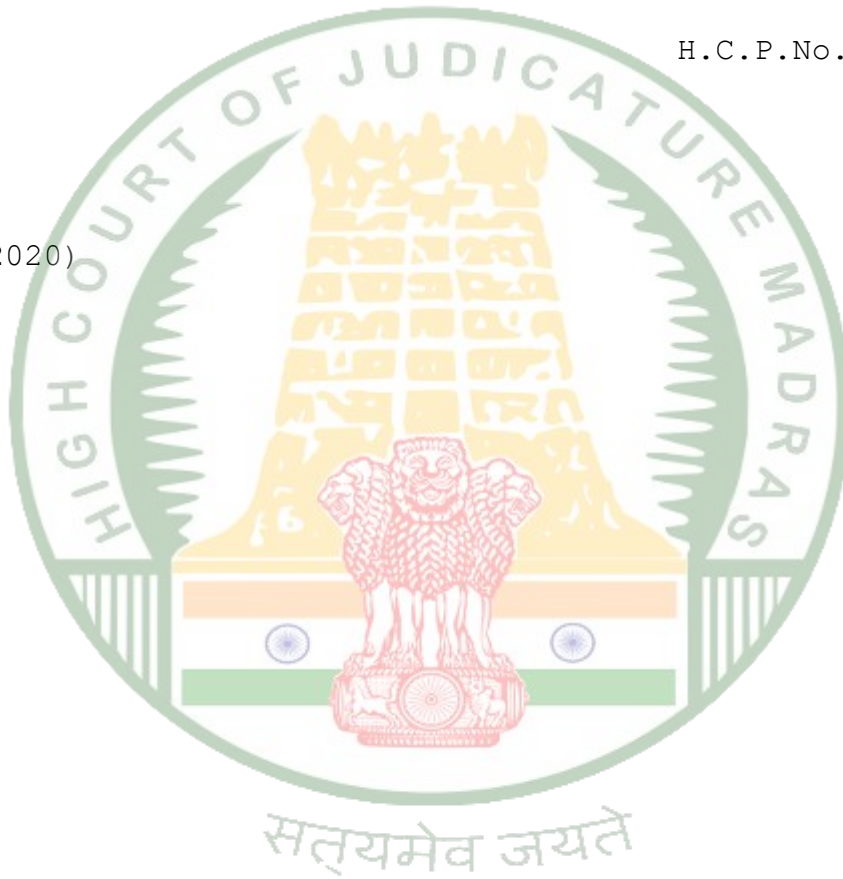
To

1. Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court,
Madras.

H.C.P.No.366 of 2020

GP (CO)
RN (05/06/2020)



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