

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P. No.1270 of 2020

G.V.Kumar, M/45,
Son of Venkaiah,
No.103, 5th Street,
Mayor Krishnamoorthy Nagar,
Ganesapuram,
Viyasarpadi,
Chennai - 600 039.

.... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

2.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai - 600 015.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to direct the 2nd respondent to produce the petitioner's daughter, namely, Kousalya, aged 24 years before this Court and to set her at liberty.

For Petitioner : Mr.K.Suthan

For Respondents: Mrs. M. Prabhavathi,
(Additional Public Prosecutor)

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O R D E R
(Order of the court was made by N.KIRUBAKARAN,J.)

The matter is heard through "Video Conferencing".

2.The petitioner/father of the detainee has approached this Court stating that her daughter viz., Kousalya, aged 24 years,

who is married one Sathya, four years ago is missing from 16.07.2020, after giving a complaint on 17.07.2020.

3. When the matter is called today, the petitioner as well the detinue's husband Sathya and the detinue Kousalya are present before this Court through video conferencing. The detinue Kousalya categorically would submit that she is already pregnant because of live-in relationship with one Deen Sudhan and she would further submit before this Court that she is interested in going along with the said Deen Sudhan and she is not interested in going either with her father or with her husband Sathya, who is said to be working in Chennai Corporation as a Sweeper.

4. It is evident from the statement made by the detinue Kousalya that she is not in any illegal custody and on her own volition, she is living with the said Deen Sudhan and because of the live-in relationship with him, she is pregnant. Though this Court sympathizes the petitioner as well as Sathya, the husband of the detinue, in view of the statement made by the detinue Kousalya, this Court is not in a position to help those people. If at all, the said Sathya, husband of the detinue is aggrieved, he is entitled to file a divorce petition against the detinue Kousalya.

With the above observation, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (ADI MDU)

//True copy//

Sub Assistant Registrar

krk

To

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

2. The Inspector of Police,
J-1, Saidapet Police Station,
Chennai - 600 015.

3. The Secretary to Government,
Prohibition and Excise Department,
Fort Saint George, Chennai.

4. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P. No.1270 of 2020

RLD (CO)
GMY (24/09/2020)



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