

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P.No.1864 of 2020

G.Arokkiya Dass

..Petitioner

Vs.

1.The State of TamilNadu
Rep. By its Inspector of Police,
K-10, Koymedu Police Station,
Chennai-600 107.

2.Bala Murugan

3.Sekar

4.Saravanan

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing respondents 1 to 4 herein to produce the body of B.Deepa, Female, aged 20 years, and set her at liberty.

For Petitioner : Mr.I.Lakshmana Shankar

For Respondents : Mr.R. Prathap Kumar
Addl. Public Prosecutor for R1

सत्यमेव जयते No appearance for R2 to R4

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner herein has filed above Habeas Corpus Petition inter alia alleging that the detainee is under illegal custody of the respondents 2 to 4.

2. The learned Additional Public Prosecutor has produced the detainee-Deepa before us.

3. The detainee was enquired by us. We confronted the detainee with the statement of the learned Additional Public Prosecutor. The petitioner has married twice and the detainee has stated she is aware of the same. However, she insisted that she would like to go with the petitioner.

4. In those circumstance, we requested the assistance of Mr.Bharatha Chakravarthy, who himself is a trained Mediator, to find out the mental acuity of the detenue by placing the relevant facts.

5. After interacting with the detenue for quite some time, the learned Mediator has informed that the detenue is very much aware of the petitioner's past. However, she is very particular to join him once again.

6. Inasmuch as the detenue is a major and she has expressed her willingness to go with the petitioner twice including once before us, we have no option except to set her at liberty. It is for her to join the petitioner or the respondents 2 to 4.

7. Accordingly, the habeas corpus petitions stands disposed of.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

raa

To

1.The State of TamilNadu
Rep. By its Inspector of Police,
K-10, Koymedu Police Station,
Chennai-600 107.

2.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.I.Lakshmana Shankar, Advocate SR.No.35546

HCP No.1864 of 2020

KK(CO)
GMY(11/11/2020)

WEB COPY