

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.2027 OF 2020

Anbu

... Petitioner

-vs-

1. The Commissioner of Police,
Vepery, Chennai - 7.
2. The Inspector of Police,
G3, Kilpauk Police Station,
Chennai - 10.
3. Joseph Raj

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing respondents to produce the petitioner daughter, namely, Shobana, aged about 29 years old before this Court and set her at liberty forthwith.

For Petitioner : Mr.N.Naresh

For Respondents : Mr.R.Prathap Kumar,
: Addl. Public Prosecutor for R1
and R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the father of the detainee seeks her production on the premise that she is in the illegal custody of the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. Learned Additional Public Prosecutor submits that on the earlier occasion, a similar complaint was given in Crime No. 559 of 2020 for woman missing. The detainee was traced and brought back. Once again, she eloped with the third respondent.

4. Learned counsel appearing for the petitioner submitted that the third respondent is a married man and, therefore, the official respondents will have to be directed to produce the detainee once again.

5. Prima facie, we do not find any illegal detention is involved. Admittedly, the detainee is aged about 29 years. On the earlier occasion, she eloped with the very same person, namely the third respondent.

6. In such view of the matter, the habeas corpus petition stands closed. However, steps will have to be taken to secure the detainee since our observations are only prima facie in nature. As and when the detainee is secured, she should be produced before the jurisdictional Magistrate

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Commissioner of Police,
Vepery, Chennai - 7.

2. The Inspector of Police,
G3, Kilpauk Police Station,
Chennai - 10.

3. The Public Prosecutor,
High Court, Madras.

CA(CO)
CS/14/12/2020

H.C.P.No.2027 of 2020