

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

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

H.C.P.No.1778 of 2017

Ayyanar
S/o.Devaraj Gounder

... Petitioner

Vs

1.The Superintendent of Police,
Superintendent Office,
Villupuram,
Villupuram District.

2.The Inspector of Police,
Valavanur Police Station,
Valavanur,
Villupuram District.

3.The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam,
Puducherry State.

4.Danial Raj
S/o.Doss

5.Rajkumar
S/o.Doss

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing third respondent to produce petitioner's daughter, namely, Vijayalakshmi, aged about 16 years, before this Court and set him at liberty forthwith and to handover my custody.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor[R1&R2]
Mr.D.Bharathachakravarthi
Public Prosecutor (Puducherry) [R3]
Mr.K.Pragdeesh Kumar [R4 & R5]

O R D E R
[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed the present petition seeking a direction to third respondent to produce his daughter, namely, Vijayalakshmi, aged about 16 years, before this Court and set her at liberty forthwith.

2. Heard learned counsel for petitioner, learned Additional Public Prosecutor appearing for respondents 1 and 2, learned Public Prosecutor (Puducherry) appearing for third respondent and learned counsel for respondents 4 and 5.

3. Learned counsel for petitioner submits that the detainee went missing on 20.11.2016. On the basis of complaint preferred by petitioner, which was registered in Crime No.966 of 2016 on the file of second respondent for an offence u/s.366-A IPC, the detainee was secured by second respondent and after completing all formalities, the detainee was handed over to petitioner. Again, the detainee went missing on 08.02.2017 and on the basis of complaint preferred by petitioner, a case was registered in Crime No.17 of 2017 on the file of third respondent for an offence u/s.363 IPC. Since no action was taken, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor submits that respondents police have not been able to secure the detainee.

5. Today, the detainee is produced by learned counsel appearing for respondents 4 and 5. We enquired the detainee as well as the fourth respondent. There is no representation for petitioner. On enquiry, the detainee, now a major, states that she eloped with the fourth respondent on her own volition and expressed her unwillingness to join the petitioner. The detainee, a major, is at liberty to take her own decision. Hence, nothing survives for further adjudication in the matter.

Accordingly, the Habeas Corpus Petition is closed. However, the respondents police are at liberty to proceed in accordance with law while dealing with the case in Crime No.17 of 2017 on the file of third respondent.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Superintendent of Police,
Superintendent Office,
Villupuram,
Villupuram District.

2.The Inspector of Police,
Valavanur Police Station,
Valavanur,
Villupuram District.

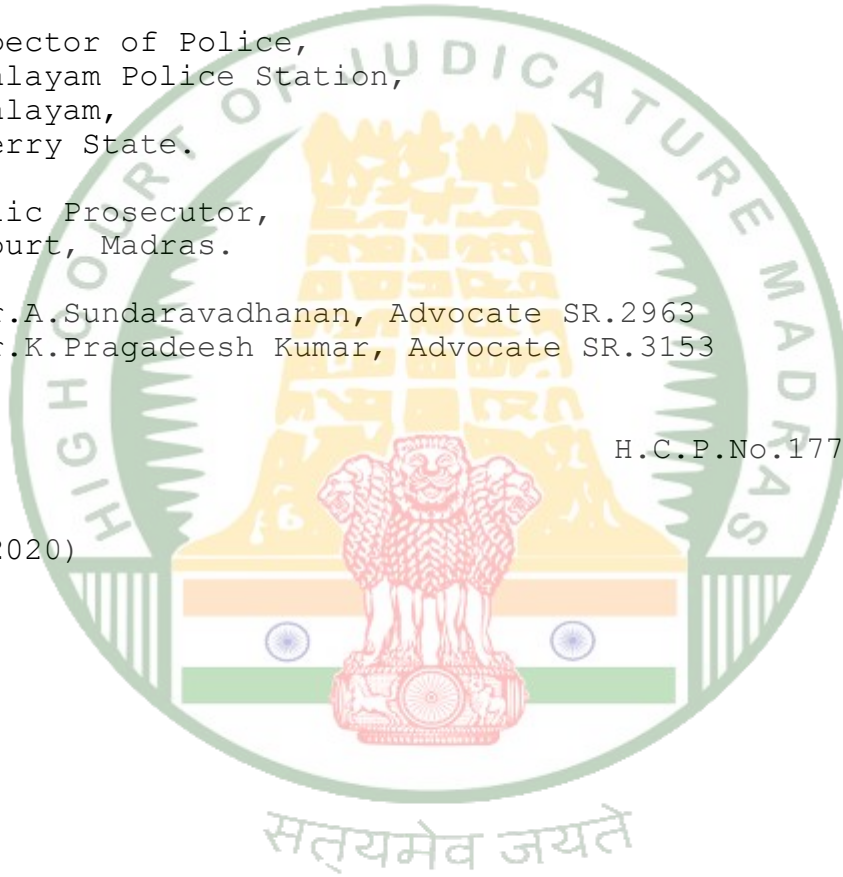
3.The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam,
Puducherry State.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Sundaravadhanan, Advocate SR.2963
+1cc to Mr.K.Pragadeesh Kumar, Advocate SR.3153

H.C.P.No.1778 of 2017

GJ(CO)
CB(17/02/2020)



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