

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

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

H.C.P.No.2867 of 2019

S.Baskar

... Petitioner

Vs

1. The Superintendent of Police
Salem District, Salem.
 2. The Inspector of Police,
All Women Police Station,
Omalar, Salem District.
 3. The Superintendent,
Life Line Trust - Reception Home for Girl Children,
3rd Cross Chandra Garden,
Chinnatirupathi, Salem - 636 008.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents 1 & 2 to produce the body of the detainee namely Priyadharshini, aged 17 years, D/o.Baskar, before this Court from the custody of the third respondent and handed over her custody to the petitioner.

For Petitioner : M/s.A.M.Esakkiappan
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 & 2 to produce the body of the detainee, namely Priyadharshini, aged 17 years, D/o.Baskar, before this Court from the custody of the third respondent and hand over her custody to the petitioner.

2. In the affidavit filed along with the petition, the petitioner had stated that her daughter Priyadharshini aged 17 years went missing on 12.07.2019 at 5:00 p.m. and further he came to know that one Logu living at Muththanampatti Village, Salem District, kidnapped his daughter. Hence, he lodged a complaint before the second respondent. Since no effective steps were taken, he filed Habeas Corpus Petition in H.C.P.No.1718 of 2019 to find out his daughter. On 30.08.2019, his daughter was produced before this Court and she stated that she is not willing to go along with the petitioner/her father. Hence, this Court passed an order stating that till the petitioner's daughter attains majority, she shall be housed at a Home viz., Life Line Trust - Reception Home for Girl Children, 3rd Cross Chandra Garden, Chinnatirupathi, Salem - 636 008. Accordingly, the Habeas Corpus Petition was closed by this Court vide order 30.08.2019. Now again the present Habeas Corpus Petition is filed seeking to direct the respondents 1 & 2 to produce his daughter Priyadharshini from the custody of the third respondent and hand over to the petitioner.

3. Today, when the matter is taken up for hearing, on enquiry, the detinue had stated that she is not willing to go and join her parents and she had attained majority. In view of the statement made by the detinue/Priyadharshini, we are of the opinion that since she is a major, she is at liberty to take her own decision. Hence, nothing survives for further adjudication in this petition. Further, the custody of the detinue from the third respondent-Home is hereby discharged. Accordingly, this Habeas Corpus Petition stands closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

dpq
To

1. The Superintendent of Police
Salem District, Salem.
2. The Inspector of Police,
All Women Police Station,
Omalar, Salem District.

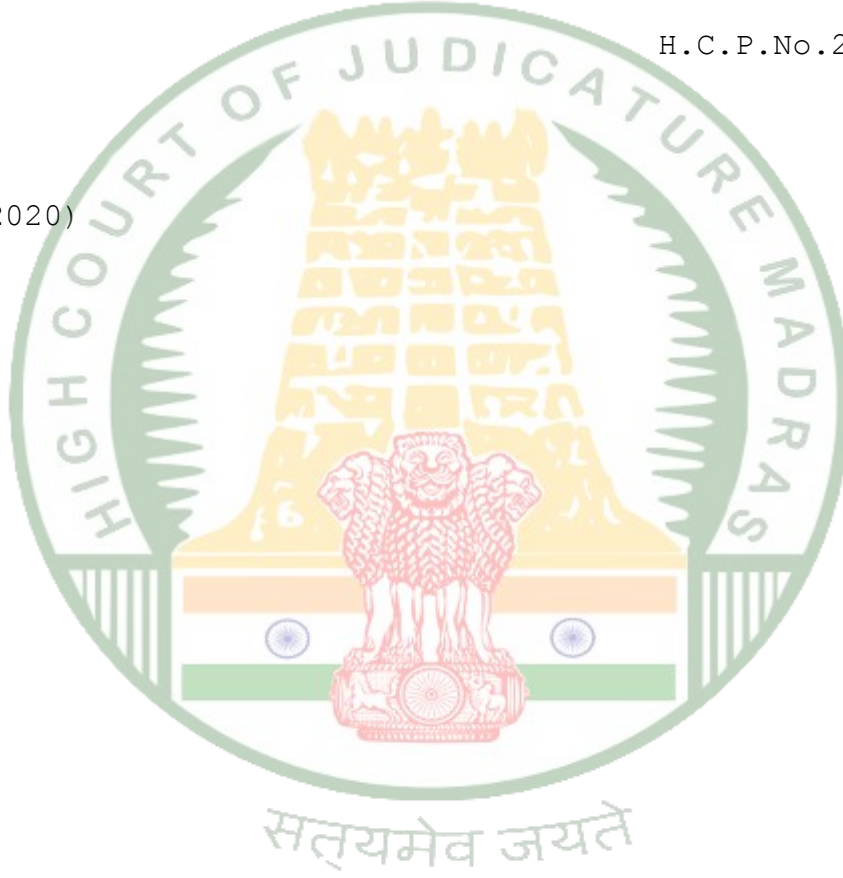
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3. The Superintendent,
Life Line Trust - Reception Home for Girl Children,
3rd Cross Chandra Garden,
Chinnatirupathi, Salem - 636 008.

4. The Public Prosecutor
High Court, Madras 104.

H.C.P.No.2867 of 2019

PPA (CO)
SP (17/02/2020)



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