

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 365 of 2020

Rajadevi

..Petitioner

Vs.

State Rep. by
The Inspector of Police,
D-5, Poompuhar Police Station,
Sirkazhi Taluk,
Nagapattinam District.

..Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondent police to produce the petitioner's daughter Devika, aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr.C.Mohan Raj
For Respondent : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

Seeking a direction to the respondent to produce the petitioner's daughter Devika, aged about 19 years before this Court and to set her at liberty, the present habeas corpus petition has been filed.

2.It is the case of the petitioner that her daughter Devika aged about 19 years, has gone missing and that the police have not taken effective steps to secure her.

3.Today, Mr.P.Shanmugasundaram, Special Sub Inspector of Police, Poompuhar Police Station, Nagapattinam District is present.

4.On instructions, the learned Additional Public Prosecutor submitted that Devika went missing on 12.10.2019, in connection with which, on the complaint given by the petitioner, a case in Poompuhar Police Station Crime No.83 of 2019 under Section 366 IPC was registered against one Surya, Jayanthi, Srinivasan and

Sivarajan. Devika appeared before the District Munsif cum Judicial Magistrate, Tarangampadi on 05.11.2019 and stated that she had gone on her own volition and staying with her friend Abinaya. The learned Magistrate, after recording the statement of the petitioner as well as Devika, set Devika at liberty as she was a major. Now, it is the case of the petitioner that her daughter Devika is not with Abinaya.

5. In the opinion of this Court, the fact remains that Devika is 20 years of age now and that she has voluntarily gone out of the house of the petitioner, as could be seen from the statement recorded by the District Munsif cum Judicial Magistrate, Tarangampadi on 05.11.2019.

6. In view of the above, it cannot be stated that Devika is in the illegal custody of any one. Accordingly, this habeas corpus petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi
To

1. The Inspector of Police,
D-5, Poompuhar Police Station,
Sirkazhi Taluk, Nagapattinam District.
2. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 365 of 2020

um(CO)
rv(10/02/2021)

सत्यमेव जयते

WEB COPY