

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

Coram

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

H.C.P. No.2397 of 2020

V.Nadesan

.. Petitioner

Vs.

1.The Superintendent of Police,
Ariyalur.

2.Sate rep. by The Inspector of Police,
Thalavai Police Station,
Ariyalur District.

3.Prem Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the first and second respondents to produce the petitioner's daughter N.Vijayalakshmi, aged 19 years before this Court from the custody of the third respondent and set her at liberty.

For Petitioner .. Mr.P.Ganesan

For Respondents .. Mr.R.Prathap Kumar,
Addl. Public Prosecutor
for R1 and R2
R3 - No appearance

ORDER

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

Seeking a direction to the first and second respondents to produce the petitioner's daughter, N.Vijayalakshmi, aged 19 years before this Court from the custody of the third respondent and to set her at liberty, the present habeas corpus petition has been filed.

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2. It is the case of the petitioner that his daughter Vijayalakshmi, aged about 19 years has gone missing since 10.11.2020 and that the police have not taken any effective steps to secure her.

3. Today, Mr.S.Balachandran, Sub-Inspector, Thalavai PS, Ariyalur District is present before this Court. On instructions, Mr.R.Prathap Kumar, learned Additional Public Prosecutor submitted that the petitioner's daughter was in love with one Premkumar, the third respondent herein, and eloped with him on 28.10.2020, in connection with which, a case in Crime No.262 of 2020 for women missing was registered and the girl was secured on 01.11.2020 and handed over to the petitioner.

4. Now, again on 10.11.2020, Vijayalakshmi has eloped with the third respondent and on the complaint given by the petitioner, a second FIR in Crime No. 282 of 2020 has been registered for women missing by the second respondent.

5. Since the alleged detainee is more than eighteen years and that she has eloped with the third respondent, it cannot be stated that she is in the illegal custody of any one. Hence, this habeas corpus petition is closed with a direction to the second respondent to proceed with the investigation in Crime No. 282 of 2020 and keep the petitioner informed of the developments, if any. If the detainee is secured, she may be produced before the jurisdictional Magistrate under due intimation to the petitioner.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssm

To

1.The Superintendent of Police,
Ariyalur.

2.The Inspector of Police,
Thalavai Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court, Madras.

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