



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

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Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.No.1916 of 2021

T.A.Pandiyan
S/o.Appakkannu

.. Petitioner

Vs.

1.The Commissioner of Police,
Commissioner of Police,
Chennai.

2.The State represented by
The Inspector of Police,
P6 Police Station,
Chennai - 600 118.

3.Gunasekaran
S/o.Kumar

4.Yuvaraj

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the petitioner's daughter Mythili d/o.Pandiyan, aged about 24 years, before this Court and set her at liberty.

For Petitioner : Mr.Murali

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the petitioner's daughter



Mythili, aged about 24 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Mythili, aged about 24 years, was in love with one Gunasekaran (third respondent) and on the intervention of Yuvaraj (fourth respondent) on 15.05.2021, his daughter went with Gunasekaran (third respondent) on 16.05.2021. It is further alleged that on 29.08.2021, Gunasekaran (third respondent) and his parents came to the house of the petitioner and told them that Yuvaraj (fourth respondent) had abducted Mythili and that her whereabouts are not known. The petitioner gave a complaint to the Inspector of Police, S14 Peerkankaranai Police Station and later, filed the present petition seeking the aforesaid relief.

3. Today, Vijaya Kumar, Inspector of Police, Ramachandran, Sub-Inspector of Police and Kavitha (Grade-I 31846), S14 Peerkankaranai Police Station, are present. They produced Mythili and Yuvaraj (fourth respondent) before this Court.

4. When we enquired Mythili, she stated that her date of birth is 05.06.1997 and she has completed her B.Com (Bank Management). It is her grievance that her father was trying to get her married to a dubious person and in order to escape from him, she went with Gunasekaran (third respondent) with whom she was in love. It is further alleged by her that Gunasekaran (third respondent) also tortured her; that she was rescued by her cousin brother Yuvaraj (fourth respondent) and at present, she is staying in Anantham Women's Hostel, No.11-A, Lal Bhagathur Sastri Street, Sholinganallur, Chennai - 600 119. Mythili gave a long list of complaints against her father Pandiyan as well Gunasekaran (third respondent). She does not want to go with either of them and wants to be on her own.

5. Since Mythili is not a minor and that she is staying in the Women's Hostel on her own accord and volition, no Writ of Habeas Corpus can be issued. If Mythili wants further protection, she may appear before the Inspector of Police, All Women Police Station, Guindy, on whose file the complaint that has been lodged by Gunasekaran (third respondent) is pending and give a detailed complaint to the said Inspector of Police. If the complaint discloses commission of cognizable offences by Pandiyan and Gunasekaran, the Inspector of Police, All Women Police Station, Guindy, may take appropriate action. The Inspector of Police, All Women Police Station, Guindy, is directed to ensure that no harm befalls Mythili from either



Pandiyan or Gunasekaran.

With the above direction, this Habeas Corpus Petition is closed.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Commissioner of Police,
Commissioner of Police,
Chennai.

2.The Inspector of Police,
P6 Police Station,
Chennai - 600 118.

3.The Public Prosecutor,
High Court, Madras.

4.The Inspector of Police,
All Women Police Station,
Guindy, Chennai.

+1cc to Mr.K.Ewararao, Advocate SR.No.62153

H.C.P.No.1916 of 2021

SS(CO)
GN(13/12/2021)