



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

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

H.C.P.No.328 of 2021

R.Prabu
S/o.Rajendran

..Petitioner

Vs.

1.The Commissioner of Police,
Commissioner Office,
Salem District.

2.The Inspector of Police,
Pallapatty Police Station,
Salem District.

3.A.Settu
S/o.Arul

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the petitioner's sister's daughter Varsha D/o.Aiyyasamy, aged 17 years, before this Court from the illegal custody of third respondent and set her at liberty.

For Petitioner : Mr.T.Bala Chandran

For Respondents : Mr.R.Muniyapparaj,

Additional Public Prosecutor [R1 & R2]

Mr.V.Jayaprakash Narayanan [R3]

O R D E R

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

This petition has been filed seeking a direction to respondents 1 and 2 to produce the petitioner's sister's daughter Varsha d/o.Aiyyasamy, aged 17 years, before this Court from the illegal custody of third respondent and set her at liberty.



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2. On 26.02.2021, we passed the following order:

' It is the case of the petitioner that his niece Varsha, aged about 17 years, went missing from 25.12.2021 and that the police are taking effective steps to secure her.

2. Today Mr.S.Govindarajan, Special Sub-Inspector of Police, D-2, Pallapatty Police Station, Salem District, is present.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Pallapatty Police Station Crime No.1419 of 2020 for 'girl missing' was registered on 25.12.2020 and later, the case was altered to one under Section 366 IPC. He further submitted that the investigation conducted so far revealed that Varsha has eloped with A.Settu, third respondent herein.

4. In the meanwhile, if Varsha is secured by the police, she may be produced before the Judicial Magistrate Court No.II, Salem, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detinue in accordance with law.

Post the matter on 26.03.2021. '

3. Today, when the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the detinue Varsha has been secured by the police.

4. Mr.S.Kandavel, Inspector of Police, Pallapatty Police Station (second respondent herein), produced Varsha via video conferencing before this Court.

5. Mr.V.Jayaprakash Narayanan, learned counsel for third respondent, submitted that the third respondent and Varsha were in love with each other and that they also got married.

6. When we enquired, Varsha stated that her date of birth is 29.09.2003 and that she got married to Settu (third respondent herein) on 25.01.2022 at KGF, Bangalore. Varsha further stated that she is not in the illegal detention of anyone, much less, Settu (third respondent herein). Since Varsha



is a major and that she is not in the illegal custody of anyone, no writ of Habeas Corpus can be issued.

7. The second respondent may produce Varsha before the learned Judicial Magistrate II, Salem, in Pallapatty P.S. Crime No.1419 of 2020 and the learned Magistrate may pass appropriate orders with regard to custody, under intimation to the petitioner.

Accordingly, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate II,
Salem.

2.The Commissioner of Police,
Commissioner Office,
Salem District.

3.The Inspector of Police,
Pallapatty Police Station,
Salem District.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.T. Bala Chandran, Advocate sr 5368.

H.C.P.No.328 of 2021

SS(CO)
SP(11/02/2022)