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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.NO.1024 OF 2022

G.Gowri

.. Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.
2. The Deputy Superintendent of Police,
Kottakuppam,
Vanur Taluk,
Villupuram District.
3. The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.
4. The Inspector of Police,
(Law and Order)
Tindivanam Town Police Station,
Tindivanam.
5. Vinayagamurthy.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents particularly the Deputy Superintendent of Police, Kottakuppam, Vanur Taluk, Villupuram District, The Inspector of Police, All Women Police Station, Tindivanam, Villupuram District to produce body and person of the petitioner daughter namely Arthiswary (age 24) D/o. Gunasekaran before this Court and set her liberty forthwith.

For Petitioner : Mr. K.Balakrishnan

For Respondents : Mr. E.Raj Thilak
1-4 Additional Public
Prosecutor



ORDER

(Hearing was made through Hybrid Mode)

S.VAIDYANATHAN, J.,

and

A.D.JAGADISH CHANDIRA, J.,

This Habeas Corpus Petition has been filed seeking direction to direct the respondents particularly the second and third respondent herein to produce body and person of the petitioner's daughter namely Arthiswary (age 24) D/o. Gunasekaran before this Court and set her liberty forthwith.

2. It is the case of the petitioner that her daughter Arthiswary is a B.Sc., (Nursing) graduate and she was working as a Staff Nurse in the 1st Med Hospital, Jayapuram, Tindivanam. It is the further case of the petitioner that during the relevant period, the alleged detainee developed love affair with the fifth respondent herein who was working as a Lab Technician in the same hospital. The further case of the petitioner is that the fifth respondent had kidnapped the petitioner's daughter and performed an illegal marriage and that the fifth respondent is keeping her daughter in an illegal custody and preventing her from visiting the petitioner and from her family members. It is her further case that she had given a compliant on 02.06.2022 to the first respondent herein to secure her daughter and produce her before the petitioner. Since no action has been taken, the present Habeas Corpus Petition has been filed.

3. Mr. K.Balakrishnan, learned counsel for the petitioner would submit that the petitioner's daughter is a qualified nurse and the fifth respondent who belongs to a different community had induced her and performed an illegal marriage and that he is preventing her from visiting the petitioner. He would further submit that the petitioner's husband is sick and he wants to see her daughter.

4. Per contra, Mr. E.Raj Thilak, learned Additional Public Prosecutor, would submit that the petitioner's daughter is a major and she is a qualified nurse and she fell in love with her colleague, the fifth respondent and that they were legally married. He would further submit that earlier the daughter of the petitioner had given a compliant to the third respondent herein alleging that her parents were against her marriage with the fifth respondent and they were troubling her. Based on the complaint, enquiry was conducted in C.S.R.No.179 of 2022 where the alleged detainee appeared along with the fifth respondent and the family members of the petitioner also appeared for enquiry. During enquiry, it was found that the petitioner and her family



members were against the alleged detainee marrying fifth respondent. During enquiry, settlement has been arrived between the parties and the alleged detainee had returned the jewels and they were handed over to the younger daughter of the petitioner. Since both the parties had given a written undertaking that they will not interfere with each other's life, enquiry was also closed on 21.05.2022. Learned Additional Public Prosecutor would further submit that the fifth respondent and the alleged detainee belonged to different community and the alleged detainee is aged 24 years and that she is not kept in illegal detention and hence, the present petition is not maintainable.

5. Heard Mr. K.Balakrishnan, learned counsel for the petitioner and Mr. E.Raj Thilak, learned Additional Public Prosecutor, appearing for the respondents 1 to 4.

6. On perusal of the materials along with the material submitted by the learned Additional Public Prosecutor with regard to C.S.R. No.179 of 2022 on the file of the third respondent police, this Court is convinced that the alleged detainee is not in illegal detention of the fifth respondent. In view of the above, this Habeas Corpus Petition is not maintainable and accordingly, stands closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Superintendent of Police,
Villupuram District.
2. The Deputy Superintendent of Police,
Kottakuppam,
Vanur Taluk,
Villupuram District.
3. The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.



4. The Inspector of Police,
(Law and Order)
Tindivanam Town Police Station,
Tindivanam.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. K.Balakrishnan, Advocate, S.R.No.33944

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SKM(CO)
PM/04/07/2022