

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. No. 1140 of 2022

P.Muthusamy

...Petitioner

Vs.

1. The Commissioner of Police,
Chennai City Police Commissionerate,
Vepery, Chennai - 600 007.
2. The Assistant Commissioner of Police,
Thirumangalam Range,
Chennai - 600 101.
3. The Inspector of Police,
V-3 J.J.Nagar Police Station,
Chennai - 600 037.

4. G.Kumar

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents to produce the body and person of petitioner's daughter Sathya, aged 28 years, Daughter of P.Muthusamy before this Court and set the detainee at liberty forthwith.

For Petitioner : Mr. R.Prabakar

For Respondents: Mr. M.Babu Muthumeeran
1-3 Addl. Public Prosecutor

ORDER

S.VAIDYANATHAN, J.,
and
A.D.JAGADISH CHANDIRA, J.,

This petition has been filed seeking production of petitioner's daughter Sathya aged 28 years.

2.It is the case of the petitioner that his daughter was married to the fourth respondent on 10.06.2011 and out of wedlock she is blessed with two children. The further contention of the petitioner is that there used to be frequent quarrel between his daughter, the alleged detainee and the fourth respondent and due to which their relationship was strained and thereafter her daughter went missing from the matrimonial house. When the petitioner had enquired his son-in-law, the fourth respondent herein, he was abused by the fourth respondent and the fourth respondent had not stated about the whereabouts of the petitioner's daughter. Hence, the petitioner gave a complaint to the third respondent on 29.04.2022 and a case was registered in C.S.R. No.206 of 2022. Since the respondent police have not taken any steps to secure or find the whereabouts of the petitioner's daughter, the present Habeas Corpus Petition is filed.

3.When the matter is taken up today, the learned Additional Public Prosecutor submitted that the alleged detainee Sathya, daughter of the petitioner, was found working in a factory at Padi and in enquiry, she had informed the Police that she is a major and due to her family dispute she is now living separately in a ladies hostel and is working in a factory located at Padi.

4.The respondent police have also produced the alleged detainee before this Court through Video Conferencing from the Public Prosecutor office. The petitioner is also present through Video Conferencing and he has identified his daughter. This Court enquired the alleged detainee. On enquiry, the alleged detainee submitted that she is not willing to go either with the petitioner or the fourth respondent and is now living an independent life. She further submitted that she is not in illegal detention of anybody.

5.In view of the submission of the alleged detainee Sathya, aged 28 years, daughter of the petitioner, we are of the opinion that the alleged detainee is not in illegal detention of anybody. Accordingly, the Habeas Corpus Petition is not maintainable and the same stands closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Chennai City Police Commissionerate,
Vepery, Chennai - 600 007.
2. The Assistant Commissioner of Police,
Thirumangalam Range,
Chennai - 600 101.
3. The Inspector of Police,
V-3 J.J.Nagar Police Station,
Chennai - 600 037.
4. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1140 of 2022

RGN(CO)
RGA(28/07/2022)