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H.C.P.No.358 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.358 of 2023

S.Padmavathi

.. Petitioner

Vs

1.The Commissioner of Police,
Commissionerate, Greater Chennai,
Vepery, Chennai.

2.The Inspector of Police,
Valasaravakkam Police Station,
Chennai.

3.Ashik

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the petitioner's daughter XXX, aged about 22 years either in body or person before this Court and set her at liberty.

For Petitioner : Ms.Thanga Vadhana Balakrishnan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2



H.C.P.No.358 of 2023

WEB COPY

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of convenience and clarity).

2. The factual matrix in a nut shell is the petitioner's daughter 'XXX' (We are masking the name and the petitioner's daughter shall be referred to as 'absentee' for obvious reasons) is in illegal custody of the 'third respondent' who shall be referred to as 'R3' for the sake of brevity and convenience.

3. Pursuant to earlier proceedings dated 10.03.2023, the absentee was given counselling at Nirbhaya Specialised Counselling Centre for Women, Police Officer Mess Campus, Greater Chennai Police, Police Commissioner Office Road, Egmore, Chennai - 8 and a report dated 21.03.2023 has been placed before us.

4. From the report, it comes to light that (a) absentee was aware of the educational qualification of R3 even before her marriage (b) absentee is very firm in her decision as regards her marriage with R3 (c) the petitioner is not willing to accept R3 as her



H.C.P.No.358 of 2023

son-in-law and (d) the petitioner wants the matter to proceed as per law i.e., court proceedings.

5. As regards the mental health of the absentee and counselling recommended for the absentee as well as R3, it is open to the parties to seek professional help. We notice that there is no disputation or disagreement that the absentee and R3 are majors. It also now comes to light that it is not a case of illegal detention or illegal custody. Therefore, habeas corpus legal drill is concluded leaving open all the rights and contentions of all the parties and making it clear that pending matters if any will proceed in accordance with law and on their own merits.

6. In the light of the narrative thus far, captioned HCP is disposed of as closed.

(M.S.,J.) (M.N.K.,J.)
27.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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H.C.P.No.358 of 2023

To

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- 1.The Commissioner of Police,
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Vepery, Chennai.
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- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



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**M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,**

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