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H.C.P.No.423 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

H.C.P.No.423 of 2023

S.Vanaja

.. Petitioner

Vs

1.The Commissioner of Police
Greater Chennai,
O/o. The Commissioner of Police,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai – 600 041.

3.S.Prabhu

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of writ of habeas corpus directing the 2nd
respondent to produce the petitioner's daughter XXX, aged 20
years, who is being illegally detained by Prabhu, the 3rd respondent,
before this Court and set her at liberty.



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For Petitioner : Mr.A.R.Sakthivel
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2
Mr.J.Pachiyappan for R3

ORDER

[Order of the Court was made by **N.ANAND VENKATESH, J.,**]

The mother of the absentee (we are masking the name of the petitioner's daughter and we shall be referring to her as 'absentee' for the sake of convenience and for obvious reasons) has filed this habeas corpus petition on the ground that her daughter went missing from 04.03.2023 and that a complaint was given to the jurisdictional police viz., the second respondent based on which an FIR came to be registered in Crime No.87 of 2023 in the nature of 'woman missing'.

2. The grievance of the petitioner is that the second respondent police has not taken any action to secure the absentee and hence the present habeas corpus petition has been filed.

3. The absentee is present before this Court. The petitioner viz., the mother of the absentee and her spouse are also present before us.



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4. We had the benefit of interacting with the absentee. The absentee in categorical terms stated that she developed relationship with the third respondent and that she is also aware of the fact that the third respondent is already married and has a child through that wedlock and inspite of the same, she made it very clear that she still wants to live only with the third respondent. The absentee also stated that she is not willing to go along with her mother viz., the petitioner.

5. Today, Mr.N.Chidambaram, Sub Inspector of Police, J-6 Thiruvanmiyur Police Station, Chennai is present.

6. Learned Additional Public Prosecutor on instructions submitted that pursuant to the registration of woman missing FIR in Crime No.87 of 2023, the investigation was taken up by the second respondent police and the preliminary investigation reveals the fact that the absentee has developed a relationship with the third respondent and she is living with him. Learned Additional Public Prosecutor further submitted that this is not a case of illegal detention/illegal custody.



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7. Mr.S.Prabhu, the third respondent is also present before this Court and he is represented through Mr.J.Pachiyappan, learned counsel.

8. In the considered view of this Court, we find that the absentee is a major aged about 21 years (date of birth 21.06.2002) and she is a graduate. The absentee made it clear that she will continue to stay with the third respondent and we do not find that this is a case of illegal detention/illegal custody. In view of the same, we are not inclined to pass any further order in this habeas corpus petition. It goes without saying that the second respondent shall proceed further with the investigation and take the case to its logical end in accordance with law.

9. With the aforesaid observation, the habeas corpus petition is disposed of as closed.

(M.S.,J.) (N.A.V.,J.)
21.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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- 2.The Inspector of Police,
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