



H.C.P.No.831 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN
THILAKAVADI

H.C.P.No.831 of 2023

K.Baby
W/o.Krishnan

.. Petitioner /
Mother of the detenu

Vs.

1. The Superintendent of Police
O/o.Superintendent of Police
Vellore District

2. Inspector of Police
Pallikonda Police Station
Vellore District

3. Praveen Kumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the body or person of petitioner daughter 'xxx', daughter of Krishnan, aged 24 years before this Court and set her at liberty.

For Petitioner : Mr.P.Muthamizh Selvakumar

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: Mr.R.Muniyapparaj
Addl. Public Prosecutor for R1 & R2
Assisted by
Mr.N.Narkeeran

Mr.P.Paul Selvam for R3

ORDER

**[Order of the Court was made by K.GOVINDARAJAN
THILAKAVADI, J.,]**

One K.Baby, wife of Krishnan aged about 43 years has moved the above Habeous Corpus Petition for a direction to direct the second respondent herein to produce the body or person of her daughter 'xxx' [we are masking the name for obvious reasons and we shall be referring to the petitioner's daughter as 'absentee'] aged about 24 years before this Court and set her at liberty.

2.In the affidavit filed by the above petitioner, she had stated that her daughter was working in a Textile shop at Vellore and on 10.03.2023 at about 7.30 hours, her daughter did not return home and was found missing. Immediately, she preferred a complaint before the 2nd respondent police on

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11.03.2023. Based on her complaint, a case was registered in Crime No.70 of 2023 as girl missing. Thereafter, no action was taken by the 2nd respondent police. Hence, the petitioner was constrained to file the above Habeas Corpus petition.

3.Today, the 2nd respondent police produced the absentee before this Court. The petitioner and the 3rd respondent were also present along with their respective counsel.

4.The learned counsel appearing for the petitioner would submit that, after locating the absentee she was produced before the Jurisdictional Magistrate at Vellore. At that time, the petitioner has informed the Court that she is pregnant and willing to continue to live with the 3rd respondent. Since the absentee is a major, she has the liberty to choose her life-partner.

5.The learned Additional Public Prosecutor would also submit that the marriage between the absentee and the 3rd respondent was solemnized on 13.03.2023 at Trichendur Temple. There was no objection on the side of the petitioner about the decision taken by the absentee.



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6. Therefore, we are of the view that there is no illegal detention of the absentee and since she has decided to live along with the 3rd respondent on her own accord, there is nothing to proceed further in this petition.

7. Accordingly, this HCP is closed by recording the above stated position of the parties.

(M.S.,J.)

(K.G.T.,J.)

07.06.2023

gpa

To

1. The Superintendent of Police
O/o. Superintendent of Police
Vellore District
2. Inspector of Police
Pallikonda Police Station
Vellore District
3. The Public Prosecutor
Madras High Court, Chennai



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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

gpa

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