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HCP No.1638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1638 of 2023

Shanmugam

.. Petitioner

Vs.

State Rep. By its

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

2. The Inspector of Police
Chengalpattu Town Police Station
Chengalpattu District

..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 body or person of the petitioner's daughter viz., Mahalakshmi, Daughter of Shanmugam, aged about 21 years before this Court and set her at liberty.

For Petitioner

:

Mr.W.Camyles Gandhi

For Respondents

:

Mr.E.Raj Thilak

Additional Public Prosecutor



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ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity, convenience and clarity].

2. Factual matrix in a nutshell is that the petitioner's daughter Ms.Mahalakshmi [Date of Birth: 30.01.2002, aged 21 years now] has finished graduation and is working and that on 07.07.2023 at about 06.00am went to the company where she works but did not return; that this prompted the petitioner to lodge a complaint in the Chengalpattu Town Police Station; that this complaint is dated 11.07.2023; that this complaint has been taken on file by the Chengalpattu Town Police Station as FIR No.341 of 2023 [Woman Missing]; that apprehending illegal detention of absentee, captioned HCP has been filed in this Court on 18.08.2023.

3. Before the predecessor Hon'ble Bench on 28.08.2023, Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor accepted notice on behalf of both the respondents.



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4. Today, Mr.W.Camlyes Gandhi, learned counsel for petitioner, petitioner Thiru.Shanmugam, son of Thiru.Posangu, absentee and one Thiru.John Kennedy, with whom we are informed that the absentee is married, are present in Court. Mr.E.Raj Thilak, learned State Additional Public Prosecutor representing both the respondents and instructed by Mr.V.Radhakrishnan, Inspector of Police, D-1 Changalpattu Town Police Station and Ms.D.Vithya, Women Police Constable, Changalpattu Town Police Station are before this Court.

5. Learned Prosecutor, on instructions, submitted that the absentee has married Thiru.John Kennedy [we are informed that Date of Birth of Thiru.John Kennedy is 02.11.1997 and is therefore, 25 years old and is a major].

6. We had interaction with absentee and the following points emerged:

- i) absentee says she married Thiru.John Kennedy on 12.07.2023;
- ii) absentee says she wants to continue her marital tie;
- iii) absentee says that her matrimonial home is at No.2/12, B.Pallipetti, Lurthapuram, Dharmapuri – 635 301;
- iv) the jurisdictional police which located the absentee



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also confirms that the absentee was located from the
aforementioned address;

v) Absentee informed this Court that she is in the family
way and she conceived more than a month back;

vi) Absentee preferred to talk to the petitioner over phone
rather than a direct interaction.

7. From the narrative thus far, it emerges clearly that absentee and
Mr. John Kennedy are majors and therefore, they have made a choice on their
own. This also means that this is not a case of illegal detention or unlawful
custody. Therefore, we drop the curtains on the captioned HCP.

Captioned HCP is disposed of as closed.

(M.S.,J.) (R.S.V.,J.)
04.09.2023

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No
gpa



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To
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1. The Superintendent of Police
O/o. Superintendent of Police
Chengalpattu
Chengalpattu District
2. The Inspector of Police
Chengalpattu Town Police Station
3. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

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