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H.C.P.No.2046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2046 of 2023

Jayalakshmi
W/o Veerapandiyan .. Petitioner

v.

1. The Commissioner of Police
Near Albert Theatre
Next to Pantheon Road
Egmore, Chennai

2. The Inspector of Police
B5, Manavala Nagar Police Station
Thiruvallur 602 002 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Habeas Corpus, directing the respondents
to rescue the girl and produce her daughter, Dhanalakshmi aged about 18
years old girl, before this Hon'ble Court and set her at liberty.



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For Petitioner :: Ms.S.G.Vedhapriyadharshini
For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This petition is filed by the mother of the detenue seeking a direction to the respondent police to produce her daughter by name Dhanalakshmi before this Court, as she was missing from 21.09.2023.

2. This Court earlier passed an order on 08.12.2023 directing the respondent police to produce the detenue before the jurisdictional Magistrate viz., Judicial Magistrate II, Thiruvallur on 11.12.2023. The learned Judicial Magistrate II, Thiruvallur was directed to record statements of the detenue as well as the petitioner and submit a report before this Court.

3. Accordingly, a report has now been filed by the learned Judicial Magistrate II, Thiruvallur indicating that the detenue appears to be very firm in her statement that she wants to live with her husband who had married



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her. She also revealed that she is pregnant. It is in the said circumstances, recording the fact that the detinue is a major, the learned Judicial Magistrate II, Thiruvallur has submitted the report.

4. The learned counsel for petitioner submitted that the detinue is now living with a guy, who is already married and having children.

5. The petitioner, on enquiry, stated that her daughter has now been under the custody of the person, who has married her daughter illegally.

6. This Court, having regard to the stand taken by the detinue before the learned jurisdictional Magistrate, is unable to compel her to go with the petitioner, merely because the petitioner's apprehension is that she is living with a person who may not take care of her daughter well in future. Since this Court finds that the detinue is not under illegal custody, the habeas corpus petition stands closed.

Index : yes/no
Neutral citation : yes/no
SS

(S.S.S.R.,J.) (S.M.,J.)
13.12.2023



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3. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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