



WEB COPY



HCP.No.1934 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

H.C.P.No.1934 of 2024

Sasikala

... Petitioner

***Vs.***

1. The Commissioner of Police,  
Greater Chennai,  
Vepery,  
Chennai - 600 007.

2. The State Represented by,  
The Inspector of Police,  
H-3 Tondiarpet Police Station,  
Chennai-600 060.

[amended as per order dated 19.08.2024  
in CrI.MP.11587 of 2024 in HCP No.  
1934 of 2024]

3. Chandran

4. Lokesh

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the 1st and 2nd respondents to secure the petitioner's minor daughter namely Sowmiya (aged 17 years)



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from the illegal custody of 3rd and 4th respondents and produce her before this Court and handover the custody of her to the petitioner.

For Petitioner : Mr.E.Viswanathan  
For Respondents : Mr.E.Raj Thilak,  
Additional Public Prosecutor

**ORDER**

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The relief sought for in the present habeas corpus petition is to direct the 1st and 2nd respondents to secure the petitioner's minor daughter namely Sowmiya (aged 17 years) from the illegal custody of the 3rd and 4th respondents.

2. The detainee *viz.*, Sowmiya is aged about 17 years and studying B.Sc Course in a College at Chennai. The petitioner is the mother of the detainee voluntarily allowed the detainee to stay along with the respondents 3 and 4, who is none other than the brother of the petitioner's father. It is brought to the notice of the Court that the petitioner got remarried after the death of the father of the detainee and she is now living along with her second husband. Under those circumstances, the petitioner allowed the



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detenue to stay along with the family members of the respondents 3 and 4 and they are taking care of the detenue.

3. The learned Additional Public Prosecutor would submit that the 1<sup>st</sup> husband of the petitioner whether died or alive is not made clear. However his whereabouts are not known.

4. The fact remains that the detenue is living along with the family of the respondents 3 and 4 for the past about one year and the detenue, who is studying in a College deposed before this Court that she is willing to stay along with the family of the respondents 3 and 4.

5. When the detenue aged about 17 years and studying in a College at Chennai is capable of understanding what is good and bad for her life. When she is capable of taking a decision, we are not inclined to disturb her normal life and to pursue her education. At the outset, the detenue is not under illegal detention and if any other dispute exists, it is for the parties to resolve the same in the manner known to law.



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Accordingly, the habeas corpus petition stands dismissed.

[S.M.S., J.]

[N.S., J.]

29.08.2024

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No  
veda

To

1. The Commissioner of Police,  
Greater Chennai,  
Vepery,  
Chennai - 600 007.
2. The State Represented by,  
The Inspector of Police,  
H-3 Tondiarpet Police Station,  
Chennai-600 060.
3. The Public Prosecutor,  
Madras High Court,  
Chennai - 104.



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**S.M.SUBRAMANIAM, J.**  
**AND**  
**N.SENTHILKUMAR, J.**

veda

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