



HCP(MD)No.340 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.340 of 2023

K.Jeya

.. Petitioner / Mother of the Detenu

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukkottai,
Madurai.

3.Mr.Balamurugan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents No.1 and 2 to produce the person or body of the detenue namely Ms.Nivedha, Daughter of Kaluvan, aged 21 (Twenty One) before this Court and set her at liberty.



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For Petitioner : M/s.T.Seeni Syed Ammal
for M/s.Lajapathi Roy and
Associates

For Respondents : Mr.R.M.S.Sethuraman
Addl. Public Prosecutor for R1
& R2
Mr.G.Venkatesh Kumar for R3

ORDER

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

The petitioner herein is the mother of Ms.Nivedha, born on 16.11.2001 and now aged about 21 years. When she had gone missing from the petitioner's house from 06.02.2023 onwards, the petitioner's complaint before the respondent police was registered in Crime No.42 of 2023 as 'Woman Missing'. It is in this bakground, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was called, the second respondent herein had produced the petitioner's daughter Ms.Nivedha before us. We had interacted with the girl, who stated that she had love affair with the third respondent herein viz., Balamurugan, born on 22.07.2002 and now aged



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about 21 years and that she had got married to him and is now living with him at Sholinganallur, Chennai. We had also spoken with the third respondent / Balamurugan. Both the boy as well as the girl stated that both of them got married on 22.07.2023 and that the girl claims to be pregnant also. In this background, both of them expressed their wishes to live together in a matrimonial house and that the girl does not intend to go back to her parents. We have taken note of the fact that both the petitioner's daughter as well as the third respondent herein are majors and also claim to have married each other, apart from the girl's pregnancy. Thus, the prayer sought for by the petitioner herein seeking for custody of her daughter does not require consideration.

3. At this juncture, the petitioner's daughter as well as the third respondent herein expressed certain fear and anxiety with regard to their safety to their life and liberty and that they apprehend such danger from the petitioner and her family members. The learned counsel for the petitioner also submitted that the petitioner had mortgaged a chain and a choker necklace, weighing 50.100 grams before the City Union Bank Limited,



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Karadipatti Branch, under a jewel loan account No.502112122013451, dated 17.12.2022 and the jewel loan account stands in the name of the petitioner's daughter Ms.Nivedha. The pledge card is as hereunder:

SLP / 500 x 100 22.65/22 F.No. 273

சிட்டி யூனியன் வங்கி லிட்.,
பதிவு அலுவலகம், 149, TSR வலிபுத்தூர், கும்பகோணம்
CIN : L85110TN1904PLC001287
கிளை.....**KARADIPATTI**

502112122013451
நடைக கடன் எண் : _____ தேதி: **17.12.22**

வட்டி விகிதம் **2.5** % ஆண்டுக்கே
கடன் தொகை : **160,000/-**

நடைக திருப்ப வேண்டிய கெட்டு தேதி: **16.12.23**

பெயர் & விவரம்: **Nivedha K**



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முத்தி

வங்கி மேலாளர்

4. The petitioner would submit that the amount that was pledged has been utilised by her and that she intends to redeem the same. Her daughter also submitted that the jewels, though stands in her name, belongs to the petitioner only and she has no objection if the jewels is redeemed by them. However, in view of her health condition, as well as her apprehension



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towards the safety of her life and liberty, she does not intend to travel for the purpose of redemption of these jewels. We are of the view that the issue could be resolved, if the concerned bank is called upon to entertain the redemption, without insisting for the physical presence or signature of the petitioner's daughter, for the purpose of redeeming the same. Thus, City Union Bank, Karadipatti Branch, is directed to entertain the receipt of the mortgage amount from either the petitioner or her husband for the purpose of redeeming the mortgage, without insisting for the presence of the petitioner's daughter and the jewels can also be handed over to them.

5. Furthermore, it is also stated that owing to the marriage between the petitioner's daughter and the third respondent, both of them have not completed their education. While the petitioner's daughter is pursuing her third year Course in B.Sc.Computer Science with Data Science, at Annai Terasa University at Keelakuyilkudi, Madurai District, the third respondent herein is under going B.E., (EEE), at Mangayarkarasi Engineering College, Paravai. In view of the intention to continue their studies and in the light of their apprehension of danger to their life and liberty, a direction could be



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given to all the concerned police to extend the necessary protection, as and when the petitioner's daughter or the third respondent approaches them.

6. Accordingly, the following orders are passed:

(a) In view of the foregoing discussions, the prayer sought for in the present Habeas Corpus Petition does not require consideration and accordingly, stands closed;

(b) The City Union Bank Limited, Karadipatti Branch, shall entertain any act of redemption of the mortgage loan No.502112122013451, dated 17.12.2022, from the petitioner or her husband viz., Mr.Kaluvan, without insisting for Ms.Nivedha's physical presence or her signatures and the jewels can be returned on receipt of the mortgaged sum;

(c) The Inspector of Police, Sholinganallur Police Station, Chennai, shall extend the necessary protection for the safety of Ms.Nivedha and Balamurugan, as and when a representation is given by them in this regard;



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(d) The Inspector of Police, Nagamalai Pudukkottai, shall extend the necessary protection for the safety of Ms.Nivedha and Balamurugan, as and when a representation is given by them in this regard;

(e) The Inspector of Police, Samayanallur Police Station, the second respondent herein, shall extend the necessary protection for the safety of Ms.Nivedha and Balamurugan, as and when a representation is given by them in this regard; and

(f) In view of the aforesaid directions, the second respondent shall close the FIR in Crime No.42 of 2023.

(M.S.R.,J.) (M.N.K.,J.)
10.08.2023

NCC : Yes / No
Index : Yes / No
vsm

Note: Registry is directed to mark a copy of this order to
(i) City Union Bank Limited, Kumbakonam, Karadipatti Branch.
(ii) The Inspector of Police, Sholinganallur Police Station, Sholinganallur.
(iii) The Inspector of Police, Samayanallur Police Station, Samayanallur.



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To

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukkottai,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

vsm

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