

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.2608 of 2016

K. Malarkodi ..Petitioner/Informant
Vs

1. State by
The Inspector of Police,
K-10, Koyambedu P.S.,
Chennai ..Respondent/Complainant
2. Sakthivel ..3rd Respondent/Accused

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ or orders or direction, particularly in the nature of Writ of Habeas Corpus, directing the first respondent to take appropriate action against the second respondent based on the complaint given by the petitioner dated 01.11.2016 which culminated to Cr.No.1931/2013 and produce the detenu viz., K. Manimozhi, female, aged 18 years before this Court and set her at liberty.

For Petitioner : Mr.S. Thankira

For 1st respondent : Mr.V.M.R. Rajentren
Additional Public Prosecutor

For 2nd respondent: Not yet served

ORDER

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

The petitioner is the mother of one K. Manimozhi. Her Date of Birth is 04.06.1998. According to the petitioner, her daughter K. Manimozhi, was abducted by the second respondent on 01.11.2016. On a complaint made by her, a case was registered by the first respondent in Cr.No.1135/2016. Since the girl was not secured, the petitioner has come up with this habeas corpus petition.

2. Today, when the matter was taken up, the detainee K. Manimozhi was produced before us by the respondent police. She told us that she is seven months pregnant. She further told that she married the second respondent. The second respondent also made appearance. He is already married and having two children. He has stated that despite his warning, the detainee forced him to take her and married her and that is why he married her.

3. Earlier, on two occasions, when the detainee was a child, the second respondent had kidnapped her and on both the occasions, on complaints made by the petitioner, cases were registered in Cr.Nos.114/2016 on the file of Nagore Police Station and 380/2016 on the file of Koyambedu Police Station. Since no action has been taken by the police, the petitioner has come up with this habeas corpus petition.

4. It is submitted by the learned Additional Public Prosecutor that since the mother of the detainee wanted not to proceed with the investigation, both the cases were dropped.

5. At this juncture, it is for the police to take action against the second respondent. So far as the custody of the detainee, she is major and she is set at liberty. With the above observations, the habeas corpus petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Inspector of Police,
K-10, Koyambedu P.S.,
Chennai

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J. Vepparasu, Advocate SR.21470

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KJ(CO)

EU 21.4.17