



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.(MD) No.683 of 2017

R.Selvi Hepzibai

... Petitioner

vs.

1.The Superintendent of Police,
Tuticorin District,
Tuticorin.

2.The Sub-Inspector of police,
Nazereth Police Station,
Tuticorin District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the Detenue namely Minor R.Sharon Sweetline aged 15 years D/o. K.Rajakumar, before this Hon'ble Court and handed over her to petitioner's custody.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.K.S.Durai Pandian

Additional Public Prosecutor

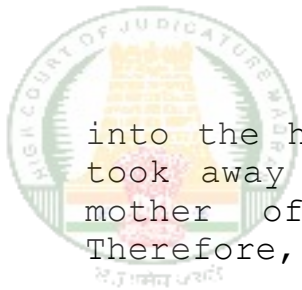
O R D E R

[Order of the Court was made by **T.RAJA, J.**]

The present Habeas Corpus Petition has been filed seeking a Writ of Habeas Corpus, directing the respondents to produce the body of the Detenue namely Minor R.Sharon Sweetline aged 15 years D/o. K.Rajakumar, before this Hon'ble Court and handed over her to the custody of the petitioner.

2.When the matter was taken up, the learned Additional Public Prosecutor appearing for the respondents urged this Court to dismiss this petition on the ground that no *locus standi* is shown by the petitioner and the petitioner is only the sister of the detenue's mother.

3.Further, the learned Additional Public Prosecutor submitted that it is the own statement of the petitioner that in her absence, the detenue's mother Victoria one another person Roseline Malliga and their husband Maharaja Shankar and Agustin trespassed



into the house and kidnapped the minor girl against her will and took away her by using their own car, which shows that the own mother of the detenu has secured the detenu from the petitioner. Therefore, the Habeas Corpus petition is not maintainable.

4. We also fully agree with the statement made by the learned Additional Public Prosecutor. Secondly, when the detenu is staying with her own parents, it is not known as to how the petitioner can bring this petition before this Court.

4. Finding no merits in this petition, the same is dismissed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tuticorin District,
Tuticorin.

2. The Sub-Inspector of police,
Nazereth Police Station,
Tuticorin District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras Highcourt,
Madurai.

H.C.P. (MD) No. 683 of 2017
10.05.2017

CM/MR

KK/SV/SAR1/27.07.2017/2P-4C/