



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

HCP [MD].No.1850 of 2017

T.Ayyammal

: Petitioner

Vs.

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Tiruchirappalli.

2. The Inspector of Police,
All Women Police Station
Musiri, Tiruchirappalli District

3. Periyasamy

: Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus, directing the respondents to secure and produce the person or body of the petitioner's daughter Mrs.Rajeswari, W/o.Periyasamy, the detainee, aged about 32 years before this Court and set her at liberty.

For Petitioner

: Mr.D.Shanmugaraja Sethupathi

For R1 & R2

: Mr.C.Ramesh

Additional Public Prosecutor

For R3

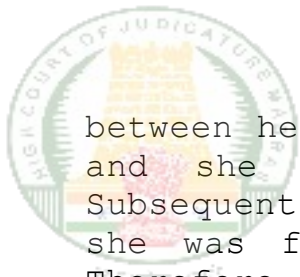
: M.M.Iqbal

ORDER

[Order of the Court was made by **S.VIMALA, J**]

The Habeas Corpus Petition is filed by the mother of the detainee, for production of her daughter, namely, Rajeshwari, aged 32 years, who was found missing from 2nd week of August 2017.

2.According to the petitioner, her daughter Rajeshwari was married to the third respondent. Out of the wedlock, two children were born. While so, on an earlier occasion, her daughter was found missing on 20.10.2015. Pursuant to a complaint preferred, FIR was registered in Crime No.295/2015 for 'women missing'. Subsequently, she was traced out and she had given a statement that she went out of her house on account of difference of opinion



between herself and her husband and there was nobody to abduct her and she had been working in a Tea Stall for one month. Subsequently, she has been residing with her parents. However, she was found missing again from the 2nd week of August 2017. Therefore, the petitioner has lodged a complaint against the third respondent.

3.The learned counsel appearing for the petitioner would submit that the third respondent was not allowing the detinue to live with the petitioner. However, the learned counsel for the third respondent would submit that the third respondent cannot have any objection for the detinue to be with the petitioner/mother and the allegations are false. It is further stated that the children are in the custody of the third respondent.

4.It is seen that during the second time, when the detinue has been found missing only from the custody of the petitioner herein, it is not known what made the petitioner to make a complaint against the third respondent.

5. Recording the submissions made by the third respondent, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Tiruchirappalli.
2. The Inspector of Police,
All Women Police Station
Musiri, Tiruchirappalli District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Shanmugaraja Sethupathi, Advocate Sr.No.41788
+1cc to Mr.M.M.Iqbal, Advocate Sr.No.42011

IA/RR

VB/KK/SAR3/01.02.2018/2P/6C