



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

HCP [MD].No.1856 of 2017

U.Chellammal

: Petitioner

Vs.

1. The Commissioner of Police,
Tirunelveli City
Tirunelveli.
2. The Inspector of Police,
Palayamkottai Police Station
Palayamkottai
Tirunelveli
3. Raja

: Respondents

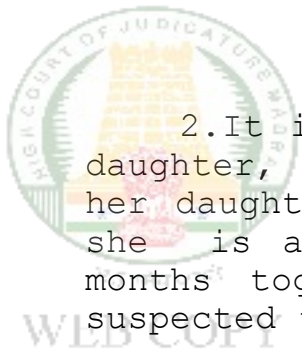
PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents 1 & 2 to produce the detenu namely, Pechimuthu, D/o.Uchimahali aged about 35 years and her 3 children namely, Sudalaimani, aged 10 years, Mohana, aged 6 years and Maharaja, aged 5 years respectively, before this Court and set them at liberty forthwith.

For Petitioner : Mr.T.Selvan
For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

ORDER

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

This petition has been filed by the petitioner for a direction to the respondent police to produce the detenu, namely, Pechimuthu, aged 35 years, and her children, namely, Sudalaimani, aged 10 years, Mohana, aged 6 years and Maharaja, aged 5 years before this Court and to set them at liberty.



2. It is the case of the petitioner that the 1st detenu is her daughter, the other detenu are her children. It is alleged that her daughter is aged about 35 years and along with her children, she is allegedly missing from the house of the petitioner for months together. Even according to the petitioner, they are suspected to be in the custody of the third respondent.

3. However, there are no circumstances pointed out, which could show that it could be a case of coercive custody taken away from the petitioner and there are no circumstances pointed out that it could be a case of illegal custody also. If the daughter aged 35 has chosen to leave the custody of the petitioner, it cannot be branded as an illegal custody, without materials disclosing that the custody could be illegal. Under such circumstances, we do not find any merit in this petition. Accordingly, this Habeas Corpus Petition is dismissed. However, it is to be pointed out that since the respondent police has already registered a case, the respondent police shall proceed with the investigation and as and when some information is obtained, it will be disclosed to the petitioner.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
2. The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

RR

TE/MR/SAR-1 : 30/01/2018 : 2P/4C

ORDER MADE IN
HCP .[MD].No.1856 of 2017
05.01.2018