

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.335 of 2019

M.Padmavathy

..Petitioner

Versus

1.The State represented by
The Superintendent of Police,
Nagappatinam District,
Nagappatinam.

2.The Inspector of Police,
Vaimedu Police Station,
Vaimedu-614 717.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus to produce detainee or body of the detainee M.Sakthipriya, daughter of Mariappan, aged about 19 years before this Court and handover the custody to the petitioner.

For Petitioner : Mr.J.Kamaraj

For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

This Habeas Corpus Petition was disposed of on 13.02.2019 on the ground that the allegations did not disclose anything about illegal detention of the detainee and therefore, the Registry was directed to number this Habeas Corpus Petition as Criminal Original Petition. However, a mention was made by the learned Additional Public Prosecutor that the Habeas Corpus Petition is not yet numbered as Criminal Original petition as ordered by this Court, but the detainee has been secured.

2. This matter was taken up today at the instance of the learned Additional Public Prosecutor appearing for the State and the detainee was produced before this Court.

3. This Court enquired the detainee and she would state that she was studying B.Sc (Nursing), II year and she got love affair with one Karthick, who is her close relative and since, such a relationship was opposed by her mother, both of them went to Thiruppur and got employed and she is also pursuing her Diploma in Pharmacy.

4. The mother of the detainee as well as the boy namely Karthick is also present. The mother of the detainee states that she is interested in educating her daughter / detainee so as to enable her to complete her B.Sc (Nursing) Course and to get good job. However, the detainee is not inclined to go with her due to apprehending danger to her life.

5. Since the detainee being a major, this Court is not inclined to pass any positive order in that regard and as far as the boy is concerned, he has just now completed 18 years and his mother would state that she is willing to take back the detainee as well as Karthick and also apprehending danger to their lives and both the detainee as well as Karthick would state that both of them were employed in a decent job and eking out something for their sustenance.

6. The learned counsel appearing for the petitioner would submit that some counseling can be given to both of them.

7. In the light of the above facts and circumstances, this Court is of the considered view that the Secretary, District Legal Services Authority, Thiruppur through Mediation Centre attached to the District Court shall

give counseling to the detenue as well as to Mr.Karthick and file a report in this regard by **28.03.2019**. Necessary notices shall also be sent for mediation to the address of the detenue (i.e.,) S.Sakthi Priya, Meyappa Magalir Hostel, Avinasi Road, Tiruppur, Mobile No.9843757555 & 8883158401) as well as address of Mr.Karthick, Ambas Bakery Shop, Avinasi Road, Tiruppur, Owner's Mobile No. 7339332598 and the notices shall be served to the above said address **on or before 04.03.2019**.

The Habeas Corpus Petition is closed with the above directions.

Call on 28.03.2019. Report of the Mediation Centre, District Legal Services Authority, Thiruppur, by then.

[M.S.N., J] [M.N.K., J]

22.02.2019

Internet : Yes/No

Index : Yes/No

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To

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

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2.The Inspector of Police,
Vaimedu Police Station,
Vaimedu-614 717.

3.The Public Prosecutor,
Madras High Court.

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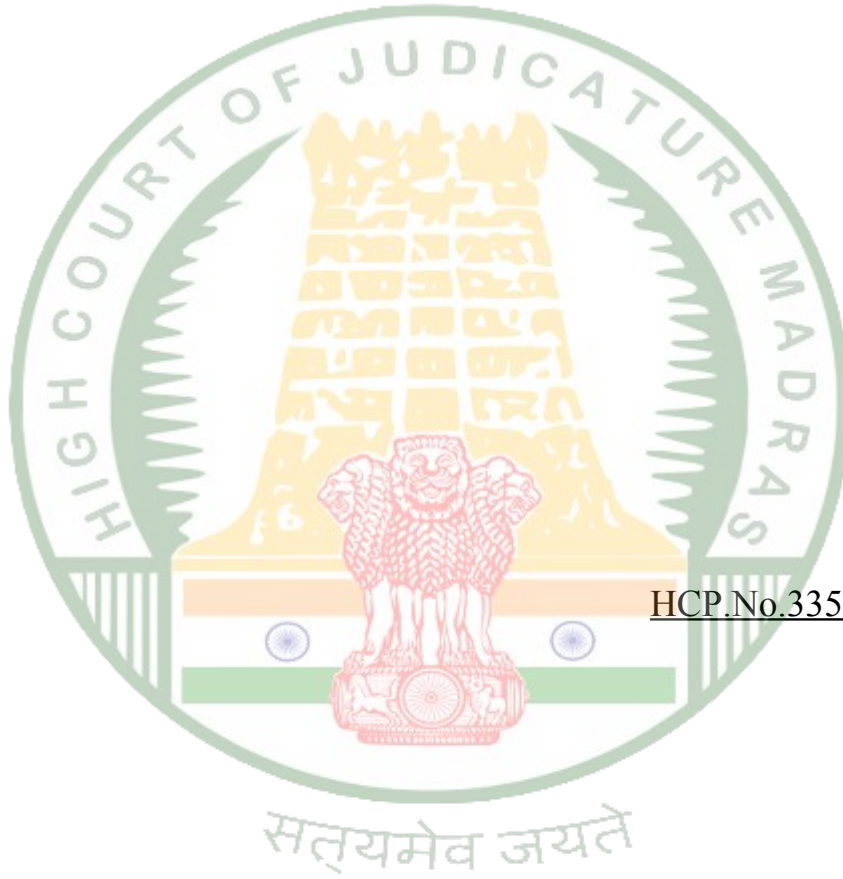
The Secretary
The District Legal Services Authority,
The Court of District and Sessions,
Tiruppur.



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M.SATHYANARAYANAN, J.,
AND
M.NIRMAL KUMAR, J.,

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