



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 11.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 617 OF 2019

Suseela

.. Petitioner

- Vs -

1. The Superintendent of Police
Kanyakumari District, Nagercoil.

2. The Inspector of Police
Colachel Police Station
Kanyakumari District.

3.Lizet

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court for the issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of D.S.Anuba Subhashini, D/o Dennis Sumithran and the petitioner, aged 20 years, before this Hon'ble Court, and set her at liberty.

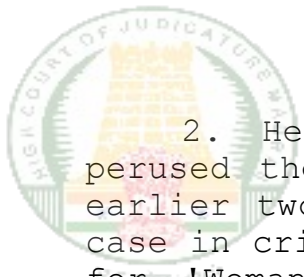
For Petitioner : Mr. C.T.Perumal

For Respondents : Mr. K.Dinesh Babu, APP, for RR-1 & 2

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

The petitioner is the mother of the detenu, viz., Anuba Subhashini, aged about 20 years (Year of Birth - 1998). It is averred that the detenu is studying 3rd year B.Sc. Nursing course in Annammal College of Nursing, Kuzhithurai, Kanyakumari District. It is the specific case of the petitioner that the detenu developed acquaintance with the 3rd respondent, viz., Lizet, and that the 3rd respondent had kidnapped the detenu on 4.5.19 and in this regard, the husband of the petitioner had lodged a complaint on the file of the 2nd respondent, based on which a case in Crime No.96/19 was registered on 6.5.19 for 'Woman Missing'. Subsequently, the detenu was traced and handed over, but once again she has been abducted by the 3rd respondent and based on the complaint, the latest case in Crime No.153/19 was registered by the 2nd respondent on 3.7.19, once again for 'Woman Missing'. The petitioner, expressing grievance that no sincere efforts have been taken by the 2nd respondent to trace the detenu and entrust her to the petitioner, has come forward to file the present petition.



2. Heard the learned counsel for the petitioner and also perused the materials available on record, which disclose that on earlier two occasions, the detinue went with the 3rd respondent and case in crime No.96/19 was registered on 6.5.19 by the 2nd respondent for 'Woman Missing' and the latest case registered being Crime No.153/19. The primordial submission of the learned counsel for the petitioner is that the detinue is being enticed by the 3rd respondent and the said relationship is against nature. However, this Court is not inclined to go into the said aspect for the reason that admittedly the detinue is a major and also well educated.

3. Mr.Dinesh Babu, learned Addl. Public Prosecutor appearing for respondents 1 and 2 submits that the detinue has been secured on 9.7.19 and custody of the detinue has been entrusted to a private home.

4. In the light of the facts and circumstances, as stated above, the 2nd respondent is directed to cause production of the detinue before the Court of Judicial Magistrate, Eraniel, Kanyakumari District, after informing the petitioner and the learned Judicial Magistrate, Eraniel, is directed to pass appropriate orders in accordance with law as to the custody of the detinue.

5. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate, Eraniel, Kanniyakumari District.
2. The Superintendent of Police, Kanyakumari District, Nagercoil.
3. The Inspector of Police, Colachel Police Station, Kanyakumari District.
4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.C.T.PERUMAL, Advocate SR-74670.

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