

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 18.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.204 of 2020

Priya

... Petitioner

versus

1.The State rep. by
The Inspector of Police,
Salavakkam Police Station,
Kancheepuram District.

2.The State rep. by
The Inspector of Police,
Peerankaranai Police Station,
Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the first respondent to produce petitioner's brother Jeevan, aged about 17 years, who is now in the illegal detention and custody of the second respondent herein, before this Court and hand over his custody to the petitioner.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor

O R D E R

(Order of this Court was made by R.SUBBIAH,J.)

This Habeas Corpus Petition has been filed seeking a direction to the first respondent to produce petitioner's brother Jeevan, aged about 17 years, who is now in the illegal detention and custody of the second respondent herein, before this Court and hand over his custody to the petitioner.

2.The petitioner is the sister of the detenu viz. Jeevan, aged about 17 years. The petitioner has stated in the affidavit filed in support of this petition that after the death of her father in the year 2006, the petitioner, her

husband, mother and brother have been residing all together at No.153, Palla Colony, Peranakkavur Village, Uthiramerur Taluk, Kancheepuram District. While so, one Mannar introduced himself as a Building Contractor in their family. Thereafter, the said Mannar showed his willingness to marry her mother and she also agreed for her second marriage. In the year 2010, the said Mannar married her mother and they continued their matrimonial life separately. Thereafter, the petitioner has been taking care of her brother. Subsequently, the said Mannar used to disturb the petitioner's family and due to the same, the petitioner has shifted her residence. While so, on 20.01.2020, the second respondent police came to their residence and enquired about the said Mannar. The petitioner gave an explanation that they were no way connected with the said Mannar, but without hearing the same, the second respondent police dragged her brother Jeevan in their vehicle and warned them to hand over the said Mannar into their custody in order to retrieve his brother. Hence, the petitioner gave a complaint dated 22.01.2020 before the first respondent police. Since the police has not taken any action to secure the detenu, the petitioner is before this Court with the present Habeas Corpus Petition.

3.A status report has been filed by the second respondent police stating that on 05.01.2020, one Karthikeyan lodged a complaint, wherein he has stated that on 04.01.2020, his house was broken by some unknown persons and 30 sovereigns of gold jewels have been stolen. Based on the above complaint, a case was registered in S-14 Peerkangaranai Police Station in Crime No.04 of 2020 under Sections 457 and 380 IPC on 05.01.2020. During the course of investigation, the second respondent has collected CCTV footage from the house of the defacto complainant Karthikeyan and found that one male person broke open the house of Karthikeyan on the day and time of occurrence and committed theft and escaped from the house. Thereafter, it was found that the said male person was Mannar, who is the offender in the station record and the second husband of the petitioner's mother Ammu. On 23.01.2020, the second respondent along with his team went to the petitioner's house and enquired about the said Mannar. They did not know about the whereabouts of the said Mannar. After this petition was filed, on 30.01.2020, when the police went to the house of the petitioner, they found that the petitioner, her brother Jeevan, the detenu herein and their mother Ammu are available in their residence. They took photographs of the detenu by giving a newspaper dated 30.01.2020 to prove the presence of detenu on the date in his home. On 15.02.2020, the second respondent obtained certificate from the Village Administrative Officer which reveals that the detenu is permanently residing along with his mother at Panna Colony, Peranakavoor Village, Kancheepuram District. The detenu has stated that he has participated in the death ceremony of his

grand mother Annammal on 30.01.2020 and now he has been living in the said house. It is further stated in the Status Report that in order to prevent from the enquiry about the offender Mannar, this petition has been filed by the petitioner before this Court.

4.Learned Additional Public Prosecutor would submit that the averments made in this petition that the detenu was forcibly taken by the police are false.

5.Today, when the petition is taken up for consideration, the detenu, who is produced before this Court, has reiterated that he was forcibly taken by the police. However, he is let out now.

6.In view of the submission made by the learned Additional Public Prosecutor, we are of the opinion that there is no illegal detention. As nothing survives for further adjudication in this Habeas Corpus Petition, the same stands closed.

7.Since this Court is not conducting enquiry as on date, the petitioner is at liberty to work out her remedy in the manner known to law, if she has any grievance.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The State rep. by
The Inspector of Police,
Salavakkam Police Station,
Kancheepuram District.

2.The State rep. by
The Inspector of Police,
Peerankaranai Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.204 of 2020

MP (CO)
CB(27/05/2020)