

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.381 of 2020

Bhuvaneswari Calambakkam, Age 57,
D/o.C.Subrahmanyam,
B18, 4th Floor, Crystal Park,
Mahanyam Pradhana Salai,
Malaipathi Post Office,
Kanchipuram District 601 301. Petitioner

-vs-

1.The State, Rep. by the Inspector of Police,
K2, Police Station,
No.224, Konnur High Road,
Tagore Nagar, Vasasnthanagar,
Chinna Chembarambakkam,
Ayanavaram, Chennai 600 023.

2.B.Nagendran,
S/o.Balasubramaniam,
No.5A, 3rd Floor, 5th Lane,
Opp. Railway Quarters,
Kunnur High Road,
Ayanavaram, Chennai 23. ... Respondents

Habeas Corpus Petition filed under Article 226 of the
Constitution of India to issue a Writ of Habeas Corpus, to
direct the respondent to produce the body of
Ms.N.Santhanalakshmi, D/o.B.Nagendran, aged 20 years old,
before this Court and set her at liberty.

For Petitioner :Ms.C.Auxilia

For Respondents :Mr.R.Prathap Kumar (for R1)
Additional Public Prosecutor

Mr.J.Saravanavel (for R2)

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J.)

The petitioner is the mother of the alleged detainee viz., Ms.N.Santhanalakshmi, aged about 20 years is said to have been under the custody of the 2nd respondent, who is the husband of the petitioner.

2. When the matter is called today, Mr.R.Prathap Kumar, learned Additional Public Prosecutor has produced an email sent by Ms.N.Santhanalakshmi to the Inspector of Police stating that she is safe and studying. The following portion is extracted from the email:

"I am N.Santhanalakshmi (d/o.B.Nagendran), I am safe and continuing my further studies. I am not interested to be with parents till I finish my education.

I am not interested to live with my mother as she does not let me live peacefully due to her mental illness.

Please consider my letter as I want to finish my education in peace without her trouble"

Mr.J.Saravanavel, learned counsel appearing for the 2nd respondent would submit that the petitioner is in the habit of filing HCP and even for the elder daughter, who is also married, she had earlier filed HCP. The 2nd daughter who is the alleged detainee in this case is studying in UK and she does not want to contact her mother.

3.Taking into consideration the detainee is aged about 20 years and she is studying in UK, this Court is of the opinion that the HCP is not maintainable and the same is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
K2, Police Station,
No.224, Konnur High Road,
Tagore Nagar, Vasasnthanagar,
Chinna Chembarambakkam,
Ayanavaram, Chennai 600 023.

2.The Public Prosecutor,
High Court,
Madas 104.

+1cc to M/s.Auxilia Peter, Advocate SR.20259
+1cc to Mr.J.Saravanavel, Advocate SR.19512

H.C.P.No.381 of 2020

SSI(CO)
CB(17/06/2020)



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