

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 373 of 2020

S.Muthusamy

...Petitioner

-vs-

1. The Superintendent of Police,
Perambalur District,
Perambalur - 621212.
2. The Inspector of Police,
Perambalur Police Station,
Perambalur,
Perambalur District.
3. Mariyan @ Mariya Arokiyam
4. Kulanthai
5. Arulmary
6. Kanimozhi

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the second respondent herein to produce the body of the petitioner's daughter Sobiya, aged 17 years (DOB : 04.07.2002) before this Court from the custody of the respondents 3 to 6 and handover her to the petitioner.

For Petitioner .. Mr.P.Mani
For Respondents .. Mr.R.Prathap Kumar
Addl. Public Prosecutor
for R1 and R2
Mr.M.Saravanan for R3
Mr.P.Manikandan for R4

ORDER

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

The petitioner is the father of the detinue seeking her custody from respondents 3 to 6.

2. Learned counsel appearing for the third respondent submitted that the detainee after attaining majority has voluntarily married the third respondent. It is further submitted by the learned counsel that the detainee and the third respondent would be present before the first respondent/Superintendent of Police, provided sufficient security is given.

3. Learned Additional Public Prosecutor appearing for respondents 1 and 2 submitted that there is a non-bailable warrant issued against the third respondent.

4. Considering the submissions made, we direct the third respondent to be present before the first respondent/Superintendent of Police on 09.12.2020 along with the detainee. Respondents 1 and 2 shall consider giving police protection only for the reason that the third respondent apprehends threat to his life and that of the detainee at the hands of the petitioner and his family members.

5. In the meanwhile, it is well open to the third respondent to file an appropriate application to re-call the non-bailable warrant issued against him. Similarly, it is well open to the second respondent/Inspector of Police, to execute the warrant if the non-bailable warrant against the third respondent is not recalled. We make it clear that the presence of respondents 4 to 6 is not required.

6. Inasmuch as we directed the third respondent and the detainee to be present on the date fixed, as aforesaid, the petitioner shall also be present on that day. In the event of the third respondent not appearing, respondents 1 and 2 shall act in accordance with law which is inclusive of tracing the detainee and producing her before the jurisdictional Court.

7. In view of the above, the habeas corpus petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Perambalur District,
Perambalur - 621212.

2. The Inspector of Police,
Perambalur Police Station,
Perambalur,
Perambalur District.

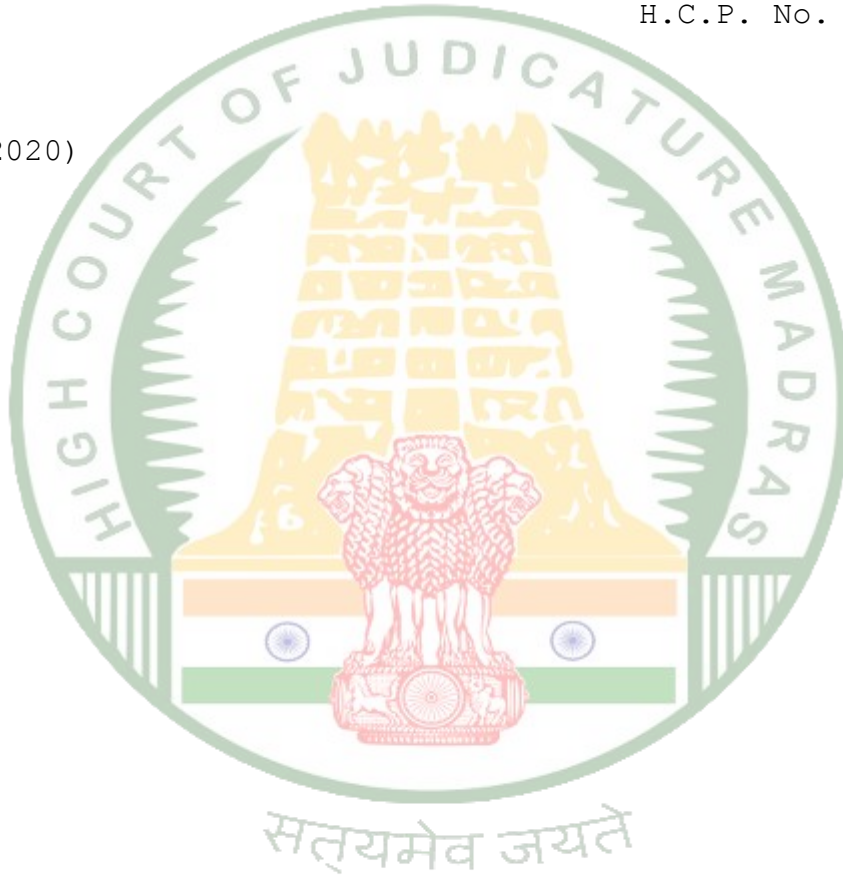
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Mani, Advocate, S.R.No.38613

+lcc to Mr.G.Ilamurugan, Advocate, S.R.No.38788

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NR(CO)
RV(22/12/2020)



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