

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

Coram

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

H.C.P. No. 1072 of 2020

M.Krishnamoorthi, aged 46 years
S/o.Munisamy
No.6/86, Mittalam
Ambur Taluk
Thirupattur (District) - 635 811. Petitioner

-vs-

1. The Inspector of Police
Omerabad Police Station
Vellore District.
2. Ajith, aged 20 years
S/o.Ponnusamy
Mittalam Village
Ambur Taluk
Thirupattur (District) - 635 811. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to the respondent for production of body of detenu i.e. Petitioner's minor daughter 17 years old by namely, K.Swetha before this Hon'ble Court and handover custody to the petitioner.

For Petitioner : Mr.S.Pachaiyappan

For Respondents Ms.M.Prabhavathi
: Addl. Public Prosecutor
for R1

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

The petitioner is the father of the detenu. Alleging that she is in the illegal custody, the present habeas corpus petition has been filed.

2.Learned Additional Public Prosecutor, on instructions, submitted that the preliminary enquiry would reveal that the detainee, though minor, went away from the home for two reasons. The petitioner is trying to marry her off and she is in love affair with the second respondent. The learned Additional Public Prosecutor also submits that the detainee will have to be produced before the Judicial Magistrate I, Ambur, Vellore.

3.Considering the above, we direct the respondent police to produce the detainee before the Judicial Magistrate I, Ambur, Vellore. If the learned Magistrate comes to the conclusion that the petitioner is attempting to marry her off or she is in the illegal custody of the second respondent, appropriate action will have to be taken while considering the feasibility of sending the detainee to Home. The detainee will have to be produced before the Judicial Magistrate No.I, Ambur, Vellore on or before 10.07.2020.

4.The habeas corpus petition stands disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police
Omerabad Police Station
Vellore District.

2.The Judicial Magistrate No.I,
Ambur, Vellore.

3.The Public Prosecutor,
High Court, Madras.

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VSNI (CO)
SP(30/07/2020)