

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10/12/2020

C O R A M

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE Mr. JUSTICE D.KRISHNAKUMAR

Habeas Corpus Petition Nos.2160 and 2073 of 2020

Kalaiselvi

...Petitioner in
H.C.P.No.2160 of 2020

E.Seetha

...Petitioner in
H.C.P.No.2073 of 2020

Vs

1. The Superintendent of Police
Villupuram District
Villupuram.

2. The Inspector of Police
Kandamangalam Police Station
Villupuram District.

...Respondents in
both the HCPs.

3. Devanathan @ Elumalai

...Third respondent
in H.C.P.No.2160 of 2020

Prayer in H.C.P.No.2160 of 2020: Petition filed under Article 226 of the Constitution of India, to direct the respondent to produce the body and person of the detenu by name Hemalatha, Daughter of Manikandan, aged about 18 years before this Court from the illegal custody of the third respondent and set her at liberty.

Prayer in H.C.P.No.2073 of 2020: Petition filed under Article 226 of the Constitution of India, to direct the first respondent to produce the petitioner's husband Elumalai @ Devanathan, aged about 37 years, before this Court and set him at liberty.

For petitioner ... Mr.K.Balu
(H.C.P.No.2160 of 2020)

Mr.G.Punniakoti
(H.C.P.No.2073 of 2020)

For respondents ... Mr.R.Prathap Kumar
Additional Public Prosecutor
for R.R.1 and 2.

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C O M M O N O R D E R
(Delivered by M.M.SUNDRESH,J)

H.C.P.No.2160 of 2020 has been filed to direct the respondent to produce the body and person of the detenu by name Hemalatha, Daughter of Manikandan, aged about 18 years before this Court from the illegal custody of the third respondent and set her at liberty.

2. H.C.P.No.2073 of 2020 has been filed to direct the first respondent to produce the petitioner's husband Elumalai @ Devanathan, aged about 37 years, before this Court and set him at liberty.

3. Heard Mr.K.Balu, learned counsel for the petitioner in H.C.P.No.2160 of 2020, Mr.G.Punniakoti, learned counsel for the petitioner in H.C.P.No.2073 of 2020 and Mr.R.Prathap Kumar, learned Additional Public Prosecutor for the respondents 1 and 2 in both the petitions.

4. Today, when the matters were taken up for hearing, detenu/Hemalatha in H.C.P.No.2160 of 2020 along with her mother and detenu/Elumalai @ Devanathan, in H.C.P.No.2073 of 2020/third respondent in H.C.P.No.2160 of 2020, were present.

5. Though the detenu/Hemalatha was reluctant to go with her mother/petitioner, in H.C.P.No.2160 of 2020, she has finally learnt that after hearing the statement from the private respondent that he would go with his wife and children.

6. In such a view of the matter, we set them at liberty viz., both the girl and the private respondent, who has been arrayed as detenu in H.C.P.No.2160 of 2020 and the Habeas Corpus Petitions are closed.

7. In as much as the girl is stated to be 18 years old, she should be made present before the District Legal Services Authority, Villupuram, on 22/12/2020. We request the District Legal Services Authority, Villupuram, to give counseling to the girl. We pass this order after taking note of the fact that the private respondent, in H.C.P.No.2160 of 2020 is a married man of 32 years living with two children and the girl is only 18 years old applied for first year B.Sc.. We further note that relationship with that person had happened only when she travels in the school bus where the third respondent was a driver.

Sd/-

Assistant Registrar

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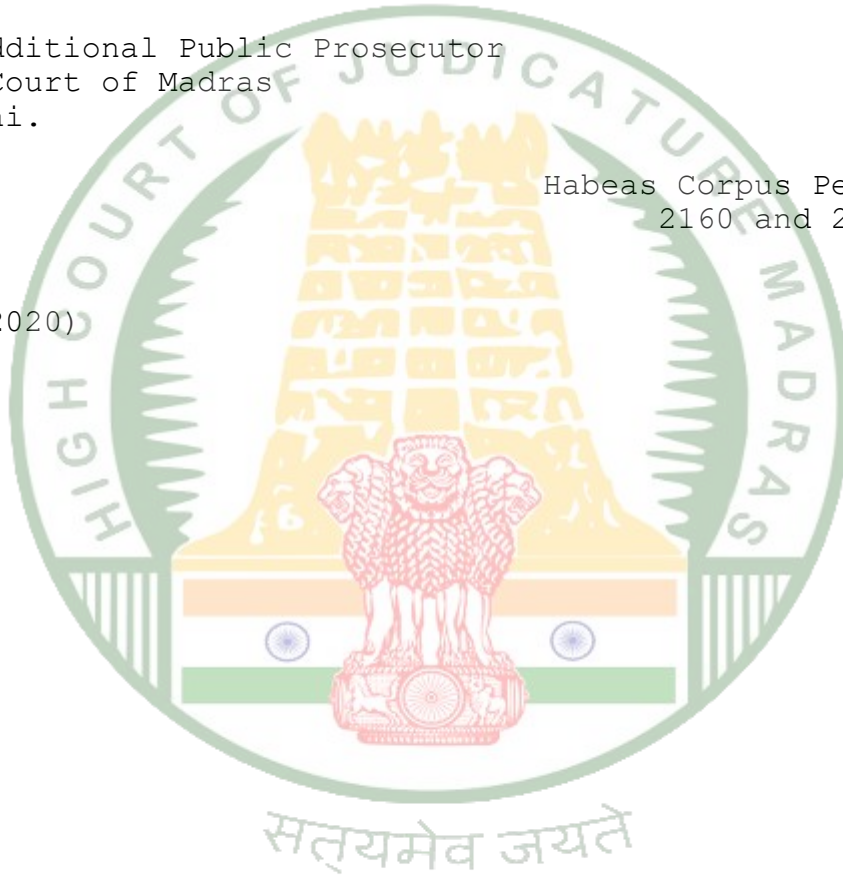
Sub Assistant Registrar

To

1. The District Legal Services Authority, Villupuram.
2. The Superintendent of Police
Villupuram District
Villupuram.
3. The Inspector of Police
Kandamangalam Police Station
Villupuram District.
4. The Additional Public Prosecutor
High Court of Madras
Chennai.

Habeas Corpus Petition Nos.
2160 and 2073 of 2020

UM(CO)
RV(23/12/2020)



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