



WEB COPY

H.C.P.(MD) No.789 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.789 of 2020

S.Andrew Peter

... Petitioner

-vs-

1.The Superintendent of Police
Pudukkottai District, Pudukkottai

2.The State, rep.by
The Inspector of Police
Kottaipattinam, Pudukkottai District

3.The State, rep.by
The Inspector of Police
Velankanni, Nagapattinam District

4.Michaelraj

5.Nimilan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondent Nos.1 and 2 to produce the body or person of the detinue of petitioner daughter namely Sowmiya, aged about 19 years, who is the daughter of the petitioner, before this Court and set her at liberty.

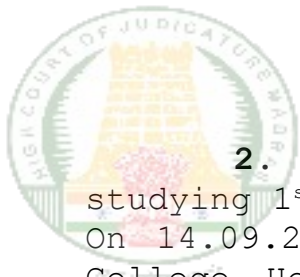
For Petitioner : Ms.D.Saranya

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor for R1 to R3
Mr.G.Thalaimutharasu for R4 & R5

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to produce his daughter, namely, Sowmiya, aged about 19 years, before this Court and set her at liberty.



2. It is the case of the petitioner that the detinue is studying 1st year B.Sc., M.L.T. in Annamalai University, Chidambaram. On 14.09.2020, at 06.00 a.m., he accompanied his daughter to the College Hostel and while returning to their home, during night hours, they stayed in Velankanni Madha Temple. On 15.09.2020, at about 02.00 a.m., when he woke up, his daughter was found missing. Subsequently, on enquiry, he came to know that the fifth respondent kidnapped his daughter and in this regard, a Police complaint was lodged on 15.09.2020 and it was registered in C.S.R.No.497 of 2020 by the third respondent Police.

3. When the matter was taken up for hearing on 04.11.2020, the petitioner as well as the detinue appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detinue stated that she is residing in her Aunt's house at Madurai and not willing to go with her father. However, at the request of the learned counsel for the petitioner, the matter was adjourned to enable the petitioner to have a conversation with the detinue.

4. Today, Mr.G.Thalaimutharasu, learned counsel appearing for the respondents 4 and 5, submitted that on 04.11.2020, the petitioner and the detinue were at his Office and even after having conversation for more than two hours, the detinue was not willing to go with the the petitioner. This fact is not disputed by the learned counsel for the petitioner.

5. In the light of the above stated position, we are of the view that no further adjudication is required in this habeas corpus petition and the same is, therefore, closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To:

1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Kottaipattinam,
Pudukkottai District.

3.The Inspector of Police,
Velankanni,
Nagapattinam District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SSS (CO)

TR(19.11.2020) 3P 5C