



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.840 of 2020

P.Prathiksha

... Petitioner

-VS-

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

2. The Inspector of Police,
Pappanadu Police Station,
Pattukkottai Taluk,
Thanjavur District.

3. The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the body of detainee, the petitioner's daughter, aged 3 months, before this Court and handover the custody of the detainee to the petitioner forthwith at liberty.

For Petitioner : Mr.B.Sudha Sathyanath

For Respondents : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed seeking a direction to the respondents 1 to 3 to produce the detainee viz., the petitioner's daughter aged about 3 months before this Court and handover her custody to the petitioner.

2.It is the case of the petitioner that she fell in love with one Parthiban and the marriage was performed on 09.09.2019 against the wishes of her parents. However, during the pregnancy, she went her parents' house and delivered a female baby on 13.07.2020. It is alleged by the petitioner that from the birth of the child, her parents harassed her and also physically assaulted her. In this



regard, the petitioner's husband gave a complaint to the third respondent on 06.10.2020. When the police came up for enquiry, the petitioner's father threatened her and also demanded Rs.1,50,000/- from the petitioner, which was spend for her educational purposes. Since the respondents 2 and 3 tried to pacify the matter, the petitioner sent a representation to the Chief Minister on 07.10.2020. It is also alleged that the detainee was in the custody of the petitioner's father and he refused to handover the custody of the child unless Rs.1,50,000/- is paid.

3.When the matter is taken up for hearing, Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, on instructions, would submit that based on the complaint of the petitioner, the third respondent conducted investigation and during the investigation, it was found that the detainee is suffering from some illness, but the petitioner, who is the mother of the detainee, is not taking proper care and the petitioner's mother looks after the child by providing medicine whenever requires. It is further stated that during the investigation, the petitioner's mother made an attempt to commit suicide. With great difficulty, the detainee is now handed over to the petitioner.

4.When the matter is taken up for hearing today, the petitioner appeared through video conferencing from Pattukottai and stated that she was in proper care of her parents, but the problem has been started only on 06.10.2020 when her parents arranged marriage for her with third party. She would further state that the child is suffering from fits and she will be taken proper care.

5.In the light of the above statements, this habeas corpus petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

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,
Thanjavur District,
Thanjavur.
2. The Inspector of Police,
Pappanadu Police Station,
Pattukkottai Taluk,
Thanjavur District.
3. The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.
4. The Superintendent of Police,
Central Prison,
Trichy.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.840 of 2020

16.10.2020

KG(CO)
CS(03.11.2020) 3P 6C