



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

H.C.P.(MD) No.903 of 2020

John Bosco

... Petitioner

-VS-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District,

3.The Sub Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.

4.J.Vinod Prakash

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or detenu namely, J.Ashmimary, D/o.John Bosco, aged about 25 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.G.Anto Prince

For Respondents 1 & 2: Mr.K.K.Ramakrishnan
Additional Public Prosecutor

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 to produce his daughter, namely, J.Ashmimary, aged about 25 years, before this Court and set her at liberty.



2. Heard Mr.G.Anto Prince, learned counsel appearing for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor, who takes notice for the respondents 1 to 3.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor for the respondents 1 to 3, submitted that the detainee had love affair with the fourth respondent and since, there was an objection from the detainee's family, she eloped with the fourth respondent and appeared before the All Women Police Station, Madurai Town and sought police protection. The complaint lodged by the detainee was registered by the All Women Police Station, Madurai Town in CSR.No.176 of 2020 and thereafter, enquiry was conducted, in which the petitioner and his wife also participated. During the enquiry proceedings, all the jewels belonging to the petitioner were taken from the detainee. The statement of the detainee shows that the marriage between her and the fourth respondent was performed at Madurai Meenakshi Amman Temple, on 08.10.2020. However, suppressing the above facts, the present habeas corpus petition has been filed.

4. Learned counsel appearing for the petitioner submitted that even after closing of CSR.No.176 of 2020 by the All Women Police Station, Madurai Town, the petitioner and his wife are receiving threatening calls from the fourth respondent.

5. Considering the submissions of the learned Additional Public Prosecutor, this Court finds no merits in this habeas corpus petition and the same is therefore, dismissed. However, the petitioner or his wife receive any threatening calls, it is open to them to make a complaint before the Competent Authority.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Office of the Superintendent of Police,
Kanyakumari District,
at Nagercoil.
- 2.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District,
- 3.The Sub Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.903 of 2020
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krk / rm
SDS (03.11.2020) 3P-5C