



WEB COPY

H.C.P.(MD) No.974 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.974 of 2020

S.Suresh Kumar

... Petitioner

-vs-

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

2.The Inspector of Police,
Emaneswaram Police Station,
Emaneswaram,
Ramanathapuram District.

3.The Sub-Inspector of Police,
Emaneswaram Police Station,
Emaneswaram,
Ramanathapuram District.

... 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 detainee S.Sujitha, daughter of S.Sureshkumar, aged about 18 years, daughter of the Petitioner before this Court for eventual restoration to the custody of the Petitioner herein.

For Petitioner : Mr.M.Kalliraj

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The prayer in the Habeas Corpus Petition is to direct the respondents to produce the detainee namely, S.Sujitha, daughter of S.Sureshkumar, aged about 18 years, before this Court and hand over her custody to the Petitioner.

2.The Petitioner would claim that he is having a son by name Sujith Kumar and a daughter by name Sujitha, the detainee herein and she is studying in Second year B.Sc in Jahir Hussain College at Illaiyankudi, Sivagangai District, however, she was found missing from 17.10.2020. Hence the Petitioner lodged a complaint on 18.10.2020 before the respondents 2 and 3 and the same was



registered in Crime No.259 of 2020 under the caption ''women missing''. Since no action was taken on the said complaint, the present Habeas Corpus Petition has been filed.

3. Heard Mr.Kalliraj, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents and perused the materials placed before this Court.

4. The learned Additional Public Prosecutor, on instructions, would submit that the detainee Sujitha had eloped with one Manikandan, an Auto Driver at Illayankudi and thereafter, both of them appeared before the Tallakulam Police Station seeking protection from their parents and the same was registered in C.S.R.No.812 of 2020. An enquiry was conducted by the Station House Officer and the Petitioner herein also appeared, but the detainee refused to go with her father. After recording the statement of both the Petitioner and the detainee, the complaint in CSR stage was subsequently closed.

5. In the light of the above facts, we find no merit in the Habeas Corpus Petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

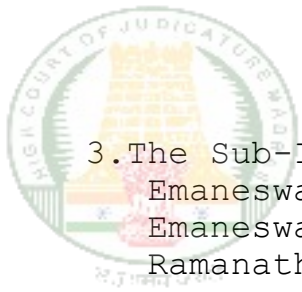
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

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

2. The Inspector of Police,
Emaneswaram Police Station,
Emaneswaram,

<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram District.



3.The Sub-Inspector of Police,
Emaneswaram Police Station,
Emaneswaram,
Ramanathapuram District.

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

ORDER MADE IN
H.C.P. (MD) No.974 of 2020
16.12.2020

VB (05.01.2021) 3P 5C