



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) Nos.999 and 1079 of 2020

HCP(MD)No.999 of 2020

M.Muthupandi

... Petitioner

-vs-

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

2.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

4.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

5.Murugan @ Balamurugan
6.Selvi @ Mariselvi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 4 herein to secure the detainee namely, M.Munish son of M.Muthupandi, aged 18 years and produce the person, body of the detainee before this Court and set him at liberty.

For Petitioner :Mr.R.J.Karthick

For Respondents :Mr.R.Anandharaj

Additional Public Prosecutor(for R1 to R4)
:Mr.M.Prabhu (for R6)

HCP(MD)No.1079 of 2020

B.Mari Selvi

... Petitioner

-vs-

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



2.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

3.Muneesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the body of person of the petitioner's minor daughter namely, Gowselya, D/o Balamurugan aged 17 years before this Court and hand over the custody of the petitioner.

For Petitioner :Mr.M.Prabu

For Respondents :Mr.R.Anandharaj

Additional Public Prosecutor (for R1 & R2)

:Mr.R.J.Karthick (for R3)

COMMON ORDER

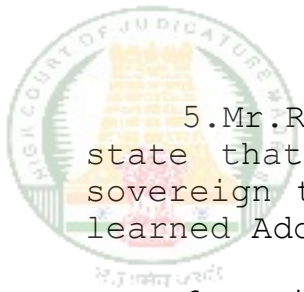
[Order of the Court was made by K.KALYANASUNDARAM, J.]

HCP(MD)No.999 of 2020 has been filed by M.Muthupandi, son of Mariappan seeking a direction to the respondents 1 to 4 to secure his son M.Munish, aged about 18 years and produce him before this Court and set him at liberty. HCP(MD)No.1079 of 2020 has been filed by B.Mariselvi wife of Balamurugan seeking a direction to the respondents 1 and 2 to produce her daughter Gowselya, aged about 17 years before this Court and hand over her custody to the petitioner.

2.It appears that both the detenus namely, Munish and Gowselya are residents of same village and they are also neighbours and they fell in love with each other. It is further seen that from 23.10.2020, both the detenus were found missing and in this regard, a criminal case was given to Kovilpatti East Police Station by the father of the detenu Munish and the same was registered in Crime No.962 of 2020. It is further seen that based on the complaint of the mother of the detenu Gowselya, Kayathar Police registered a case in Crime No.710 of 2020 under girl missing. During the pendency of these habeas corpus petitions, the police have secured both the detenus in Chennai and they were produced before this Court on 02.12.2020.

3.The petitioner in HCP(MD)No.999 of 2020 reported that when his son left house on 23.10.2020, he had taken away 13 sovereign of gold jewels belonging to his brother, which were purchased for the marriage of his brother's daughter and he had also taken cash of Rs.2,64,000/- and a bike bearing reg. No.TN 69 AU 5695.

4.Today, it is represented that out of 13 sovereign, the detenu Munish has handed over 7 sovereign to the Kayathar Police and it is available with them.



5.Mr.R.Anandharaj, learned Additional Public Prosecutor would state that even today, the Kayathar Police is ready to return 7 sovereign to the petitioner Muthupandi. The said submission of the learned Additional Public Prosecutor is recorded.

6.It is to be noted that on 02.12.2020, even though the mother of the detenu, Mariselvi and her husband Balamurugan stated that they were not willing to take her daughter with them, but the fact remains that the detenu Gowselya is now residing with her parents. Today, the parents of Gowselya would state that they are willing to take her daughter with them.

7.On enquiry, the detenu Munish would state that he is ready to return the balance jewels, cash and bike to his father, who in turn accepted the statement of the detenu.

8.Recording the statements of the parties, both the habeas corpus petitions are closed.

Sd/-

Assistant Registrar (AS)

// 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,
Thoothukudi,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.
- 3.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
- 4.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.



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

H.C.P. (MD) Nos.999 and 1079 of 2020
04.12.2020

SE (CO)

KB(17.12.2020) 4P 6C