

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1218 of 2021
and Crl.M.P.No.745 of 2021

Shivani F/A 28

D/O.Mahaveer Prasad @ Mahavir Sharma,
A-284/b, Block-a,
Near City Shine School,
New Ashok Nagar, Vasundhra Enclave,
East Delhi, Delhi-110 096.

...Petitioner

Vs

1 STATE REP. BY ,
THE INSPECTOR OF POLICE, AVS-II, CHENNAI.

2 THE CHIEF PROBATION SUPERINTENDENT,
THE OFFICE OF CHIEF PROBATION OFFICE,
CMDA TOWER-II, 2ND FLOOR, EGMORE, CHENNAI.

3 THE SUPERINTENDENT,
GOVERNMENT HOME FOR WOMEN, MYLAPORE,
CHENNAI - 600 004.

4 Neha Sharma
D/O.Mahaveer Prasad @ Mahavir Sharma,
A-284/b, Block-a,
Near City Shine School,
New Ashok Nagar, Vasundhra Enclave,
East Delhi, Delhi-110 096.

..RESPONDENTS

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the 2nd respondent to file a report pertaining to the detention of the detinue by name Neh Sharma and in pursuance direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the Crl.M.P. No.....Not known of 2021 in Crime No.2 of 2021 on the file of the 1st respondent as expeditiously.

For Petitioner : Mr.L.Saravanan
For Respondents: Mr.Mohammed Riyaz
Additional Public Prosecutor
for R1 to R3

O R D E R

This petition has been filed by the sister of the detainee seeking for release of the detainee, who is now detained before the 3rd respondent Government Home for Woman.

2 The first respondent registered an FIR in Crime No.2 of 2021 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the sister of the fourth respondent, namely Neha Sharma was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home on 06.01.2021.

3 The learned counsel for the petitioner submitted that the petitioner filed a petition in Crl.M.P.No.Not known of 2021 before the Court below seeking for the release of the petitioner's sister and the same is kept pending on the ground that the P.O report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4 The learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this Court in Crl.O.P.No.29421 of 2019, Crl OP No.2525 of 2019, Crl OP

No.8202 of 2019 and Crl OP No.8733 of 2019, wherein this Court has dealt with an issue of similar nature.

5 Taking into consideration the earlier order passed by this Court and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for Women, Mylapore. The petitioner before taking her sister namely the 4th respondent from the home, shall produce necessary evidence to show her relationship with the 4th respondent. The 4th respondent on being released from the home, shall stay at Chennai and report before the IV Metropolitan Magistrate Court, Saidapet, Chennai, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

6 This Criminal Original Petition is disposed of, with the above direction. Consequently, the connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

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GOVERNMENT HOME FOR WOMEN, MYLAPORE,
CHENNAI - 600 004.

4.The IV Metropolitan Magistrate
Saidapet Chennai

5.The Chief Metropolitan Magistrate
Egmore, Chennai

6.The Public Prosecutor,
High Court of Madras, Chennai.

सत्यमेव जयते

Cr1.O.P.No.1218 of 2021

aa29/01/2021

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