

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 167 of 2020

S.Tamilselvi

..Petitioner/Mother of
detenue

.Vs.

- State Rep. by its
1. The Superintendent of Police,
Office of the Superintendent,
Namakkal, Namakkal District.
 2. The Inspector of Police,
All Women Police Station, Rasipuram,
Namakkal District.
 3. S.Chinnadurai
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing respondents 1 and 2 to produce the body or person of the petitioner's daughter Kalpana, D/o.Selvaraj, aged about 23 years, before this Court and set her liberty.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents: Mr.R.Prathap Kumar,
Addl. Public Prosecutor
for R1 and R2

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ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

Seeking a direction to respondents 1 and 2 to produce the petitioner's daughter - Kalpana, D/o.Selvaraj, aged about 23 years, before this Court and to set her liberty, the present habeas corpus petition has been filed.

2.It is the case of the petitioner that her daughter Kalpana, aged about 23 years, had fallen in love with the third respondent and had eloped with him on 05.11.2019. In this connection, on the complaint given by the petitioner, a petition enquiry in CSR No.144 of 2019 was conducted by the All Women Police Station, Rasipuram and Kalpana and third respondent were secured on 08.11.2019. It appears that Kalpana and third respondent belong to different castes. However, father of the detainee (husband of the petitioner) went to the police station and gave a statement that he has no objection in the marriage of her daughter with the third respondent. Thereafter, Kalpana and third respondent were living in No.8/150, Arunthathiar Street, Malaveppamkuttai, Uthurangudi Kaval, Namakkal District. While that being so, after a month, when the petitioner went to the residence of the third respondent, neither Kalpana nor third respondent were there. Therefore, the petitioner has given a complaint dated 03.12.2019 to the Inspector of Police and thereafter filed the present habeas corpus petition.

3.Today, Ms.P.Amutha, Constable, All Women Police Station, Rasipuram, Namakkal District is present.

4.On instructions, the learned Additional Public Prosecutor submitted that there is no proof to show that the petitioner has given the complaint dated 03.12.2019.

5.In such view of the matter, this habeas corpus petition stands closed with liberty to the petitioner to approach the Inspector of Police, Rasipuram Town Police Station, Namakkal District and on such complaint being given, the Inspector of Police, Rasipuram Town Police Station, Namakkal District shall register a woman missing F.I.R. and conduct enquiry. As and when Kalpana is secured, she may be produced before the Judicial Magistrate, Rasipuram, under intimation to the petitioner.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Rasipuram, Namakkal District.
2. The Superintendent of Police,
Office of the Superintendent,
Namakkal, Namakkal District.

3. The Inspector of Police,
All Women Police Station, Rasipuram,
Namakkal District.

4. The Inspector of Police,
All Women Police Station, Rasipuram,
Rasipuram Town Police Station,
Rasipuram, Namakkal District.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.4549

H.C.P. No. 167 of 2020

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