

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.877 of 2021

S.P.Lakshmi
D/o.Subbaiah Chettiar

Petitioner

versus

- 1.The Commissioner of Police,
Coimbatore City, Coimbatore,
Coimbatore District.
- 2.The Assistant Commissioner of Police,
R.S.Puram Police Station,
Coimbatore.
- 3.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.
- 4.The Inspector of Police,
All Women Police Station,
Kattur, Coimbatore.
- 5.Nivedita,
C/o.ICSI Institute,
Ram Nagar, Coimbatore.

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the third respondent to produce petitioner's daughter Anushya aged 19 years before this Court from the custody of the fifth respondent and set her at liberty.

For Petitioner : Mr.Rajasekar
for Mr.C.K.M.Appaji

For Respondent Nos.1 to 4: Mr.R.Muniyapparaj
Government Advocate [Crl. Side]

For Respondent No.5 : Mr.R.Sivakumar
(Vakalat not filed)

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking a direction to the third respondent to produce petitioner's daughter viz. Anushya before this Court from the custody of the fifth respondent and set her at liberty.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate [Crl. Side] appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3. It is the case of the petitioner that her daughter Anushya (DOB 02.12.2001) went missing since 23.01.2021 and that, the Police are not taking effective steps to secure her.

4. On instructions, Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) submitted that, Anushya left her parental home on 23.01.2021 and on a complaint given by the petitioner, Anushya was secured on 29.01.2021 by the third respondent police. The petitioner and Anushya met in the Police Station on 29.01.2021 and during the enquiry, Anushya gave written statement saying that she was tortured by her mother and therefore, she is not willing to go with her mother. The statement of the petitioner was also recorded and the complaint given by the petitioner in C.No.87/B2 PS L&O/Inspr-09/DC L&O/2021 dated 08.02.2021, is closed. Thereafter, the present petition has been filed on 29.03.2021, seeking production of Anushya. During the pendency of this petition, the Police enquired Anushya on 09.06.2021 and recorded her statement, wherein, she has reiterated, what she has stated earlier.

5. The petitioner is present with her counsel and the detinue Anushya is also present with her counsel, in Video Conferencing. When questioned by us, the detinue Anushya clearly told that she is not willing to go with her mother (petitioner). Though the petitioner was pleading with Anushya to return home, Anushya is not willing to go with her, for the reasons best known to her. Since Anushya is not a minor, this Court cannot issue a direction to Anushya to be with the petitioner. Hence, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Commissioner of Police,
Coimbatore City, Coimbatore,
Coimbatore District.

2.The Assistant Commissioner of Police,
R.S.Puram Police Station,
Coimbatore.

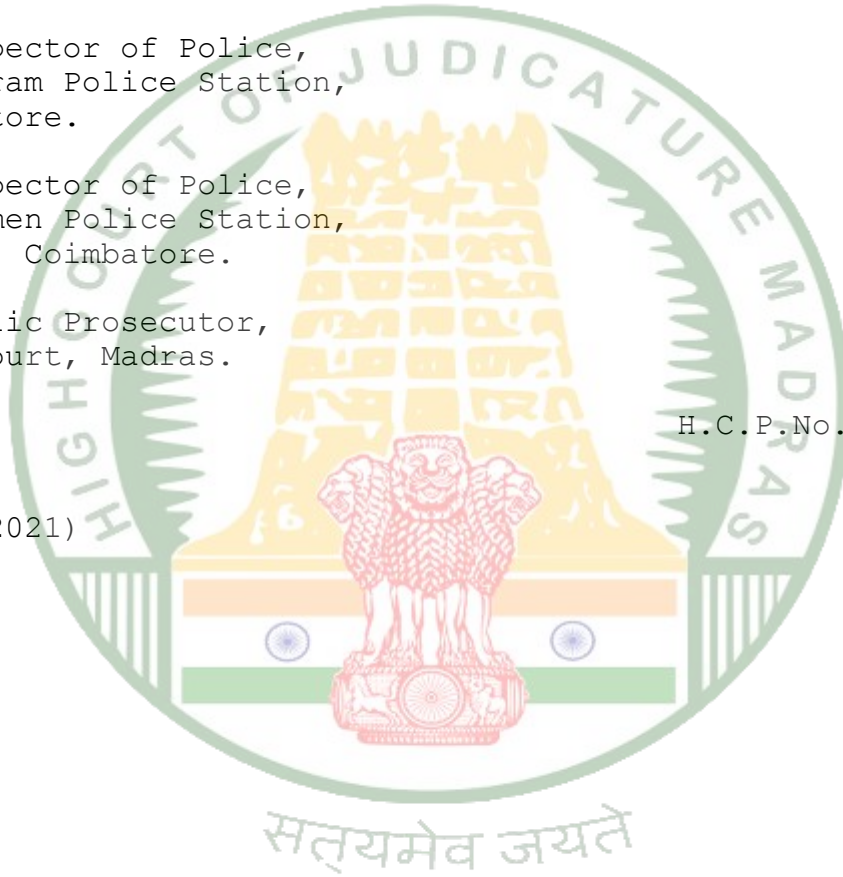
3.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.

4.The Inspector of Police,
All Women Police Station,
Kattur, Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.877 of 2021

GSM(CO)
CB(14/07/2021)



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