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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.1152 OF 2021

P.Rajalakshmi .. Petitioner

Vs.

1.The Commissioner of Police
Vepery, Chennai-7

2.The Inspector of Police
K-10 Koyambedu Police Station
Koyambedu, Chennai -107

3.Parasuraman Samal

4.Kushi

5.Pravatijena .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents particularly the 2nd respondent to produce the 6 years old minor petitioner's daughter Aarthi, before this Hon'ble Court from the custody of the respondents 3 to 5 and hand over to the petitioner.

For Petitioner : Mr.Thanjan

For R1 and R2 : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

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

On 30.07.2021, we passed the following order :

"It is the case of the petitioner that she fell in love with one Parasuraman Samal, third respondent



herein, a native of Odisha and got married to him on 24.02.2012 and through the wedlock, she begot two children viz., Aarthi on 04.09.2015 and Kishore on 12.12.2019.

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2. It is the allegation of the petitioner that on account of marital discord, her husband Parasuraman Samal has taken away her daughter Aarthi on 06.09.2020 to Odisha and thereafter, the whereabouts of the child was not known to her. It is the further allegation of the petitioner that her husband Parasuman Samal got married to Kushi, fourth respondent herein, in Odisha and her daughter has been ill-treated by the stepmother.

3. Today, K.Boopathiraj (Mobile No.83000 56291), Sub-Inspector of Police, K-10, Koyambedu Police Station, Chennai, is present before this Court.

4. On instructions, the learned Government Advocate (Crl. Side) submitted that on a complaint given by the petitioner, a petition enquiry in C.S.R.No.320 of 2021 was registered and the same was closed on 13.05.2021 on the letter given by the petitioner stating that she would work out her remedy before the Courts.

5. The learned counsel for the petitioner denies the above submission and stated that the signature of the petitioner was obtained by the police and they themselves filled it up.

6. We do not want to go into this allegation. However, we are of the opinion that interests of justice will be served, if a regular FIR for 'child and man missing' is registered based on the complaint given by the petitioner in C.S.R.No.320 of 2021 and investigation taken up.

7. In such view of the matter, this Court issues the following directions:

- i. The second respondent/police, shall, through the office of the Deputy Commissioner of Police, Anna Nagar, contact their counterpart in Cuttack District, Odisha, to trace the third respondent and child;
- ii. The second respondent shall take steps to produce the child before this Court on 27.08.2021; and



iii. The petitioner shall render her co-operation to the second respondent/police and may even accompany them to Cuttack, Odisha.

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Post the matter on 27.08.2021 'for reporting compliance'. Private notice to the respondents 3 to 5."

2. Today Mr.K.Chandrasekaran, Inspector of Police, K-10 Koyambedu Police Station and Ms.S.Kalaivani, WHC-27725, K-10 Koyambedu Police Station are present before this Court.

3. Pursuant to the direction issued by this Court on 30.07.2021 extracted in the opening paragraph, Mr.Chandrasekaran, Inspector of Police, K-10 Koyambedu Police Station and his team personally went to Odisha and secured the child viz., Aarthi on 23.08.2021 and the child and the petitioner are now produced before us.

4. We place on record our commendations to Mr.K.Chandrasekaran, Inspector of Police and his team of police officers for acting with alacrity in going to Odisha and securing the child. Our commendations may be entered in the Service Register of Mr.K.Chandrasekaran, Inspector of Police and the other officers who accompanied him to Odisha.

In view of the above, nothing survives in this Habeas Corpus Petition and is accordingly closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police
Anna Nagar District
2. The Commissioner of Police
Vepery, Chennai-7
3. The Joint Secretary to Government,
Public Law and Order,
Secretariat, Chennai-9.



4. The Inspector of Police
K-10 Koyambedu Police Station
Koyambedu, Chennai -107

5. The Public Prosecutor
High Court, Madras.

H.C.P.No.1152 of 2021

KSM(CO)
CS/22/09/2021