



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.09.2021

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1352 of 2021

M.Venkateswaran .. Petitioner
Vs.

1.The State rep. by
The Superintendent of Police
Krishnagiri District

2.The Inspector of Police
Bargur All Women Police Station
Krishnagiri District

3.Nethaji
4.Mageswaran .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents to produce the detenu Raksha, D/o.M.Venkateswaran, aged about 12 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.S.Sathish Rajan
For R1 and R2 : Mr.R.Muniyapparaj
Govt. Advocate (Crl. Side)

O R D E R

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

For the sake of convenience, the parties will be referred to by their respective names.

2. Venkateswaran got married to Tamizharasi on 04.09.2008 and through the wedlock, they are blessed with three children viz., Raksha (date of birth-04.05.2010), Sarchini and Abishek. While so, Tamizharasi developed intimacy with Nethaji and eloped with him on 20.05.2021 and on the same day, she was secured from the house of Nethaji. It is the case of Venkateswaran that again on 31.05.2021, Tamizharasi eloped with Nethaji, but, this time she had taken her daughter Raksha along with her. It is the grievance of Venkateswaran that despite the complaint given to the police, no action was taken by the police to secure Tamizharasi and Raksha. Therefore, Venkateswaran has filed this petition.



3. Today, when this matter was taken up for hearing, Ms.K.Shanti, Sub Inspector of Police, All Women Police Station, Bargur is present before this Court.

4. On instructions, Mr.Muniyapparaj, learned Government Advocate (Crl. Side) submitted that on the complaint given by Venkateswaran, a petition enquiry in C.S.R.No.113 of 2021 is being conducted by the All Women Police Station, Bargur and during the enquiry, they located the whereabouts of Nethaji, Tamizharasi and the child. Accordingly, Nethaji, Tamizharasi and the child Raksha were produced before us today.

5. When we enquired with Tamizharasi, she stated that she developed intimacy with Nethaji and is now living with him in door No.2/24, Loganathan Street, Arumbakkam, Chennai-106 and that, her mobile number is 99765 33978. Nethaji also stated that Tamizharasi is living with him in the aforesaid address and that his mobile number is 95854 05033.

6. When we enquired Raksha, she was wanting to see her siblings and also wanted to be with her father (Venkateswaran). Therefore, we handed over the custody of Raksha to Venkateswaran in the open Court today. Since Tamizharasi is not a minor and that she is not in the illegal custody of Nethaji, no writ of habeas corpus can be issued for setting her at liberty. It is open to the parties to approach the appropriate Court for further relief.

With the above direction and observation, this habeas corpus petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Krishnagiri District

2.The Inspector of Police
Bargur All Women Police Station
Krishnagiri District

3.The Public Prosecutor, High Court, Madras

H.C.P.No.1352 of 2021

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