

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

H.C.P.No.2433 of 2020

Shanthi

.. Petitioner

Vs.

1.The Commissioner of Police
Tirupur

2.The Inspector of Police
Palladam Police Station
Tirupur District

3.Boyila Sukanya @ Divya Teja

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the 1st and 2nd respondents to produce petitioner's daughter viz. Mounisha, aged 19 years, who is under illegal custody of the 3rd respondent before this Hon'ble Court and set the detenue at liberty.

For Petitioner : Mr.M.Ravi

For R1 and R2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

For R3 : Mr.T.N.C.Kaushik

O R D E R

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

This petition has been filed seeking direction to the respondents 1 and 2 to produce the petitioner's daughter viz. Mounisha, aged 19 years, who is under illegal custody of the 3rd respondent before this Hon'ble Court and set her at liberty.

2. It is the case of the petitioner that her daughter Mounisha is in the illegal custody of the 3rd respondent and that

the police are not taking effective steps to secure her.

3. On 06.01.2021, the learned Additional Public Prosecutor undertook to produce Mounisha before this Court today. However, the 3rd respondent, on coming to know of the hearing of this case today, has engaged Mr.T.N.C.Kaushik, Advocate and brought Mounisha to this Court. The petitioner is also present before this Court.

4. When enquired, Mounisha stated that she is in love with the 3rd respondent, who is of her sex. The 3rd respondent also stated that she is in love with Mounisha. However, both of them appear to be minors, though they claim that they have crossed 18 years of age.

5. It is seen that the petitioner's husband Sakthidasan lodged a complaint, based on which, a case in Palladam P.S. Crime No.2262 of 2020 has been registered for 'woman missing' on 04.11.2020. After lodging the complaint, Sakthidasan, unable to withstand the shame, committed suicide on 13.11.2020. The petitioner stated that Mounisha has been brainwashed by the 3rd respondent and that she requires counselling and also psychological treatment, if necessary. Therefore, in the interest of Mounisha, we give custody of her to the petitioner, who shall make arrangements to give appropriate counselling and psychological treatment to her and ensure that no harm befalls her.

6. Mr.K.Vijayakumar, Sub Inspector of Police, Palladam Police Station, Tiruppur District, who is present before this Court, shall provide necessary escort to the petitioner, till the petitioner and Mounisha reach their home.

With the above direction, this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Commissioner of Police
Tirupur

2.The Inspector of Police
Palladam Police Station
Tirupur District

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Ravi, Advocate SR.9116

H.C.P.No.2433 of 2020

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CB(09/03/2021)



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