



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P.(MD) No.24 of 2021

Thanapackiam ... Petitioner/Mother of detenu

-vs-

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

3.Iyyappan

4.Balaji
S/o.Anadurai

5.Balaji
S/o.Velumani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the person or body of detenu namely (minor) Malini, daughter of Thangam aged about 16 years before this Court and handover to the petitioner.

For Petitioner : Mr.S.Saravanakumar

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor for R1 & R2

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed seeking direction to the respondents 1 & 2 to produce the petitioner's

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daughter, namely, Malini (minor), aged about 16 years before this Court and hand over to the petitioner.

2.The petitioner would state that she is having 5 daughters and except the detenu, other four daughters were already married and they are residing at their matrimonial home. The detenu is studying 11th standard. She is found missing from 25.12.2020 and the case has also been registered in Cr.No.766 of 2020.

3. It is alleged that the respondents 4 & 5 are friends of the third respondent and they kidnapped the detenu. Since no action was taken by the official respondents, the petitioner has come up with the present habeas corpus petition.

4. When the matter is taken up for hearing, the petitioner and the detenu appeared before this Court through Video Conferencing from the Additional Public Prosecutor Office. The detenu would state that she was in the house of her uncle and they are making arrangements for marriage, so, she left the house and she was staying in her friends house at Ayakulathur near Sriperumpudur and she is ready to go along with the petitioner. The petitioner in turn has accepted to take the detenu along with her.

5. In the light of the above facts, we find no merits in this habeas corpus petition and hence, this petition is dismissed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To:

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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na (CO)

TR(08.02.2021) 3P 4C