



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM:

WEB COPY

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

H.C.P. (MD) No.265 of 2021

Raseedha Beevi

... Petitioner

-vs-

1.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

3.Venu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the detainee Nujuma Rosan, daughter of Babu Hussain aged 21 years, before this Court and set her liberty.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
(for R1 and R2)

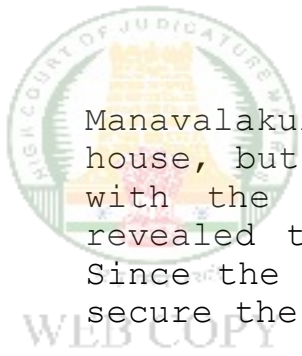
O R D E R

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

The prayer in the habeas corpus petition is to direct the respondents 1 and 2 to produce the petitioner's daughter namely, Nujuma Rosan, aged about 21 years before this Court and set her at liberty.

2.The petitioner would state that her daughter is studying B.E (Computer Science) in Arunachala Women's Engineering College,

<https://hcservices.ecourts.gov.in/hcservices/>



Manavalakurichi. On 01.02.2021, the detainee went to her friend's house, but she did not return home. Hence, she lodged a complaint with the second respondent on the same day. On enquiry, it revealed that the detainee went along with the third respondent. Since the official respondents did not take appropriate action to secure the detainee, she has come with this habeas corpus petition.

3.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4.The learned Additional Public Prosecutor would state that based on the complaint of the petitioner, a case was registered in Crime No.38 of 2020 by the second respondent under 'women missing'. During the enquiry, it came to light that the detainee eloped with the third respondent and they also conducted marriage and the same was registered on 02.02.2021 in the Sub-Registrar Office, Thucklay. He would further state that the detainee and the third respondent approached the Thiruvattar Police Station and gave a complaint seeking police protection and the same was registered in Crime No.111 of 2021 and an enquiry was conducted by the Deputy Superintendent of Police and thereafter, the case in Crime No.38 of 2021 has been closed as 'Mistake of Fact'. He has also produce a copy of the marriage registration certificate for perusal of this Court.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skn

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,
Kanyakumari District,
At Nagercoil.

2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-5831[F] dated
18/02/2021)

H.C.P. (MD) No.265 of 2021
17.02.2021

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TR(04.03.2021) 3P 5C