



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM:

WEB COPY

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

**H.C.P. (MD) No.306 of 2021**

S.Nilofar Nisha

... Petitioner

-vs-

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

2.The Inspector of Police,  
Thondi Police Station,  
Ramanathapuram District.

3.Vadivelu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents to produce the body or person of the petitioner's daughter by name Thaswin Reesha (female aged 9 years) detenu in the present case before this Court and consequently set her at liberty.

For Petitioner : Mr.S.Elumalai

For R1 & R2 : Mr.K.Dinesh Babu  
Additional Public Prosecutor

For R3 : Mr.P.Venkatasubramanian

**O R D E R**

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

This habeas corpus petition has been filed for a direction to the respondents to produce the petitioner's daughter, namely, Thaswin Reesha, female, aged about 9 years, before this Court and set her at liberty.

2. The petitioner would state that she was married to the third respondent on 10.08.2010 and from the marriage, the detenu was born. She further stated that when the detenu was one year old, her husband tortured her in an inebriated mood and eventually, one day she was sent out from the matrimonial home.



Since then she has taken care of the detainee, however on 16.01.2021 when she was away for work, the third respondent illegally took the detainee without her consent. Therefore, she lodged a complaint with the second respondent, but no appropriate action has been taken and hence, the present habeas corpus petition has been filed.

3. When the matter is taken up for hearing today, the third respondent and the detainee appeared before this Court. On enquiry, the detainee would state that her mother married one Baskaran and through the second husband she delivered a boy child, namely, Snekan, who is now 5 years old. She further stated that she is studying 4<sup>th</sup> standard at AVMS School at Ramanathapuram and his brother is also studying in the same school. Since she is not liking the character of her mother and she has joined with the father/ the third respondent herein. It is further stated that she is now comfortably living with her father and her grand-parents. The third respondent would state that after the marriage with the petitioner, they lived together for two years and thereafter, she is living away from him. It is also stated that subsequently, she married one Baskaran and after delivered a child, she contracted another marriage. The entire allegations stated in the affidavit filed have been disputed and denied by the petitioner.

4. In the light of the above statements of the detainee as well as the third respondent, we find no merit in the habeas corpus petition and the hence, the same is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**Note :**

(ii) 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.

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



To

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

2.The Inspector of Police,  
Thondi Police Station,  
Ramanathapuram District.

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

+1 CC to M/s.P.VENKATA SUBRAMANIAN, Advocate  
( SR-13924[F] dated 26/03/2021 )

**H.C.P. (MD) No.306 of 2021**  
**26.03.2021**

an  
nsv (24.04.2021) 3P 5C