



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

H.C.P. (MD) No.1052 of 2021

R.Sumathi ... Petitioner/Mother of the detenu

-vs-

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

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

... 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 detenu namely R.Durga Devi, D/o. Late P.Ravi, aged about 22 years, before this Court and set her at liberty.

For Petitioner : Mr.S.Krishnan

For R1 & R2 : Mr.S.Ravi
Standing counsel for the State

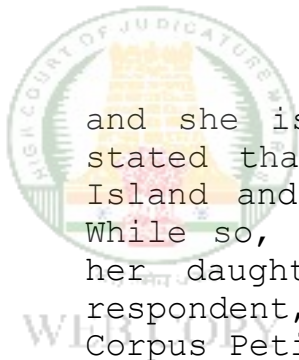
O R D E R

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

The Habeas Corpus Petition has been filed for a direction to the respondents to produce her daughter viz., R.Durga Devi, aged about 22 years, before this Court and set her at liberty.

2. The petitioner would claim that she is an agricultural coolie

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



and she is blessed with one son and one daughter. It is further stated that for some time, her family was in Andaman and Nicobar Island and returned to her native place in the month of May 2021. While so, from 10.07.2021, at about 4.00 a.m., she found missing of her daughter. Hence, she lodged a complaint before the second respondent, but no case was registered. Hence, the present Habeas Corpus Petition.

3. Mr.S.Ravi, learned Standing counsel appearing for the State would submit that this is a classic case of abuse of process, since the petitioner has approached the Court with unclean hands. According to the learned Standing counsel, the detenu had eloped with one Balamurugan and they got married on 16.07.2021 and approached the Superintendent of Police, Ramanathapuram, for police protection. The petition was referred to All Women Police Station, Ramanathapuram, where an enquiry was conducted, in which both the parties have participated and there was a clash between both the parties. Based on the complaints of both the parties the cases have been registered in Crime Nos.123 and 124 of 2021. The entire facts have been suppressed by the petitioner herein. Both the F.I.Rs. are produced for perusal of this Court. We find from the allegations in the complaint that the petitioner was aware of the fact that her daughter married Balamurugan.

4. Considering the above aspect, we find no merit in this Habeas Corpus Petition. Though we originally wanted to impose exemplary cost, however considering the fact that the petitioner is an agricultural coolie, the Habeas Corpus Petition is dismissed with the cost of Rs.1,000/- (Rupees one thousand only) payable to the Mediation and Conciliation Centre attached to this Bench.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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.

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



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

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

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

Copy to:

1.The Officer In Charge,
Mediation & Conciliation Centre,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1052 of 2021
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MGJ(09.08.2021) 3P 5C