



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1399 of 2021

Anbuselvam ... Petitioner/father of the detenue

-vs-

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

2. The Inspector of Police,
Parthibanoor Police Station,
Ramnad.

3. Karikaalan
4. Chellasamy

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the Respondents 1 and 2 to produce the body or person of the petitioner's daughter namely "Kanimozhi" D/o. Anbuselvam aged 17 years the detenue in the present case, before this Court and hand over custody to the petitioner.

For Petitioner : Mr.A.Joseph Jerry

For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

For R3 & R4 : Mr.P.Suresh Kumar

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's daughter, by name, Kanimozhi, aged about 17 years, found missing and suspecting that the 3rd and 4th respondents have kidnapped the girl, the petitioner has given a complaint before the 2nd respondent Police. Since no action has been taken to secure the detenue, the present Habeas Corpus Petition has been filed.



2. Today, the 2nd respondent Police produced the detainee before this Court and on enquiry, she stated that since her parents are arranging marriage, she left the parental home, on her own, and staying with her friends at Kamuthi and she has not been kidnapped by anybody, as alleged by her parents. She further stated that she has become major and she is not willing to go with her parents, on the apprehension that they will again arrange marriage for her.

3. However, Mr.A.Joseph Jerry, the learned counsel appearing for the petitioner submitted that the detainee, at the time of missing was a minor and only on 28.09.2021, she attained majority. Further, he would submit that the 3rd and 4th respondents kidnapped the girl for the purpose of getting married and the police is not properly investigating the case.

4. The Inspector of Police, Parthibanoor Police Station, Ramnad, is present before this Court and submitted that they are continuing the investigation.

5. Considering the fact that the detainee is a major and she left the parental home, on her own, said to have staying with her friends at Kamuthi, according to her, she was not kidnapped by anybody and she is not willing to go with her parents.

6. Recording the statements of the detainee, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mpk

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,
Ramnad District,
Ramnad.

2. The Inspector of Police,
Parthibanoor Police Station,
Ramnad.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-31725[F] dated
08/10/2021)

ORDER MADE IN
H.C.P. (MD) No.1399 of 2021
07.10.2021

ss (CO)

TR(06.01.2022) 3P 5C