



WEB COPY

H.C.P.(MD) No.1113 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.1113 of 2020

Sudha

... Petitioner

-vs-

State rep. by,

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

2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

3.S.Devakumar

4.Saravanan

5.Eswari

6.Murugan

... 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 detinue, by name, Durga, aged about 20 years old, Daughter of Chandrakumar, before this Court and set her at liberty.

For Petitioner : Mr.R.Mathiyalagan

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

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, Durga, aged about 20 years before this Court and set her at liberty.

2.The petitioner would claim that his daughter, the detinue herein is studying II Year B.A., (History) in the Government Arts College, Karur. However, she was found missing from 10.05.2020 and on 12.05.2020, she is contacted the petitioner and reported that she was kidnapped by the third respondent. The respondents 4 and 5 also contacted him to say that his daughter was kidnapped. Hence, he lodged a complaint with the second respondent and the same was



registered in Crime No.299 of 2020.

3.The petitioner would further state that the second respondent secured his daughter on 17.05.2020 and her custody was handed over to him. It is alleged that on 20.05.2020, he had gone vegetable shop and at that time, the respondents 3 to 5 trespassed into his house and kidnapped his daughter. On 22.05.2020, his daughter called him over phone and stated that she is kept in the illegal detention by the respondents 3 to 6 and some other unknown persons. Hence, the petitioner lodged a complaint to the respondents 1 and 2 on 29.05.2020. Since no effective steps have been taken to secure the detainee, he has come with this petition.

4.When the matter is taken up for hearing today, the learned Additional Public Prosecutor Mr.K.Dinesh Babu would state that based on the complaint of the petitioner dated 10.05.2020, a case was registered and the detainee was also secured on 17.05.2020 and her custody was handed over to the petitioner. Second time, a complaint was received from the petitioner on 20.05.2020 and the second respondent has secured the detainee and she was produced before the Judicial Magistrate, Additional Mahila Court, Karur on 24.12.2020, where she has stated that she has already married the third respondent Devakumar and she wanted to go with him. Based on the statement and also taking note of the fact that the detainee was married, she was set at liberty. The order of the learned Judicial Magistrate, Additional Mahila Court, Karur dated 24.12.2020 has been produced for perusal of this Court.

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

Sd/-

Assistant Registrar

// 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,
Karur District,
Karur.



2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

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

Copy to:

The Judicial Magistrate,
Additional Mahila Court, Karur.

H.C.P. (MD) No.1113 of 2020
01.02.2021

MJ(CO)
KK(01.03.2021) 3P 5C