



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MR.JUSTICE R. PONGIAPPAN

H.C.P. (MD) No.1485 of 2021

WEB COPY

P.Esakkimuthu

... Petitioner/Father of the detenue

-vs-

1. The Superintendent of Police,
Kanniyakumari District.
2. The Inspector of Police,
Vadasery Police Station, Nagercoil,
Kanniyakumari District.
- 3.P.Ayyappan
- 4.M.Muthu Selvan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the body or person of the detenu by name E.Saranya, D/o.Esakkimuthu, aged about 29 years, before this court and set her at liberty.

For Petitioner : Mr.C.A.Arjun Shankar
For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

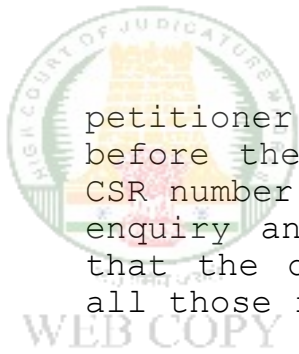
O R D E R

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

This habeas corpus petition has been filed seeking direction to the respondents to produce the body or person of the detenu by name E.Saranya, D/o.Esakkimuthu, aged about 29 years, before this court and set her at liberty.

2.The learned counsel for the petitioner would submit that the petitioner's daughter found missing from 19.04.2021 and suspecting that the fourth respondent has abducted her daughter, the petitioner has lodged a complaint before the first respondent. Since no action has been taken, the present Habeas Corpus Petition is filed.

3.Mr.Ravi, learned Additional Public Prosecutor would submit that the detenu namely, Saranya got married to the fourth respondent and marriage was duly registered. Thereafter, alleging that the



petitioner is intimidating her, the detenu has given a complaint before the second respondent police and based upon the complaint, CSR number has been assigned and the petitioner was called to attend enquiry and therefore, the petitioner is fully aware of the fact that the detenu got married to the fourth respondent. Suppressing all those facts, the present Habeas Corpus Petition has been filed.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

5. The petitioner is fully aware of the fact that the detenu got married to the fourth respondent and the petitioner has appeared before the second respondent and participated in the enquiry. But suppressing all those facts, the present Habeas Corpus Petition is filed, which is total abuse of law. Hence, this petition is dismissed with cost of Rs.5000/- (Rupees five thousand only). The cost shall be paid to the Legal Services Authority within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS I)

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/ /2021

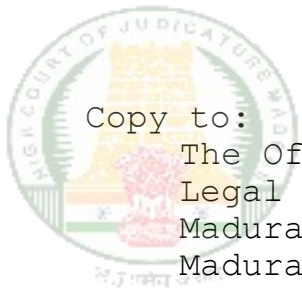
Sub Assistant Registrar(CS)

CM

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,
Kanniyakumari District.
2. The Inspector of Police,
Vadasery Police Station, Nagercoil,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

The Officer-in-charge,
Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

ORDER MADE IN
H.C.P. (MD) No.1485 of 2021
05.10.2021

KMV(CO)/RS (21.10.2021) 3P 5C