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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.NO.171 OF 2022

P.Munuswami

.. Petitioner

Vs.

1. State represented by
The Superintendent of Police,
Thiruvallur District.

2. State represented by
The Inspector of Police,
Periyapalayam Police Station,
Periyapalayam.

3. Mani

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the body and person of the detainee viz., M.Anitha, D/o.P.Munuswami, aged about 17 years, before this Court and set her at liberty.

For Petitioner : Mr.E.Gajendran

For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the respondents to produce the body and person of the detainee viz., M.Anitha, D/o.P.Munuswami, aged about 17 years, before this Court and set her at liberty.



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2. On 23.02.2022, this Court passed the following order:

"On 09.02.2022, this Court passed the following order:

"The petitioner is directed to go in person to the second respondent/police station and give a complaint. On such complaint being filed, the police shall register a regular FIR for 'girl missing' and report before this Court on 15.02.2022.

Post the matter on 15.02.2022."

2. It is the case of the petitioner that her daughter Anitha, aged about 17 years, went missing from 17.01.2022 and that the police are not taking effective steps to secure her.

3. Today V.Ravikumar (Mobile No.8124338512), Sub-Inspector of Police, C-2, Periyapalayam Police Station, Thiruvallur District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Periyapalayam Police Station Crime No.26 of 2022 was registered on 17.01.2022 for 'girl missing' and during the course of investigation, it came to light that Anitha was in love with one Mani, third respondent herein and has eloped with him.

5. In such view of the matter, this Court issues a direction to the Deputy Superintendent of Police, Uthukottai Sub-Division, to supervise the investigation in Periyapalayam Police Station Crime No.26 of 2022 and keep the petitioner informed of the developments, if any. As and when the detainee Anitha, aged about 17 years, is secured, she shall be produced before the Judicial Magistrate Court, Uthukottai, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Post the matter on 25.03.2022."

3. Today, S.Tharaneswari (Mobile No.94962 12485), Inspector of Police, Periyapalayam Police Station, is present.



4. On instructions, the learned Additional Public Prosecutor submitted that the police secured Anitha and during enquiry, it is found that she has got married to Manikandan on 28.02.2022.

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5. We spoke to Anitha via whatsapp video call, during which, she stated that her date of birth is 20.02.2004 and she has got married to Manikandan on 28.02.2022 and presently, she is living with her parents-in-law in Pagalmedu village in Thiruvallur District. Anitha also spoke to her father (petitioner) through whatsapp video call.

6. Since Anitha is not in the illegal custody of anyone and she is more than eighteen years old as of today, no writ of habeas corpus can be issued.

In the result, this habeas corpus petition stands closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Superintendent of Police,
Thiruvallur District.
2. The Inspector of Police,
Periyapalayam Police Station,
Periyapalayam.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.171 of 2022

GPL(CO)
PM/07/04/2022