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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.428 of 2022

M.Selvanayagi

.. Petitioner

Vs.

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

2.The Inspector of Police,
E-1, Ponneri Police Station,
Law & Order, Ponneri,
Thiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the body of the petitioner's daughter viz., Nandhini, W/o.Desingu, aged about 25 years, before this Court ad set her at liberty.

For Petitioner : Mr.R.Gangadharan

For Respondents : 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 2nd respondent to produce the body of the petitioner's daughter viz., Nandhini, W/o.Desingu, aged about 25 years, before this Court ad set her at liberty.

2. It is the case of the petitioner that her daughter Nandhini was given in marriage on 02.03.2017 to one Desingu, a resident of Balajikuppam, Thada Mandal, Nellore District and after marriage, the couple lived in Balajikuppam and they are



blessed with two children viz., Vetreeswaran, aged about 4 years and Vetrivel, aged about 1 year.

3. According to the petitioner, Desingu and her daughter frequently quarrelled and each time, some panchayat would be held and thereafter, her daughter would be sent to her matrimonial home with her husband in Balajikuppam. The last such panchayat was held on 07.01.2022, after which, the petitioner's daughter was sent with her husband Desingu and thereafter, her daughter's whereabouts are not known.

4. Today, M.Magitha Anna Christy (Mobile No.94454 65520), All Women Police Station, Ponneri, Thiruvallur District, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that the enquiry conducted by the police revealed that on a complaint given by Desingu, a case in Thada Police Station Crime No.4 of 2022 has been registered on 21.01.2022 for 'woman missing' and investigation is being conducted by the said police. He also submitted that the officers of Thada Police Station came to the All Women Police Station, Ponneri and the Tamil Nadu Police also assisted them in the search. It is his further submission that the two children are with Desingu in Balajikuppam.

6. Desingu (Mobile No.74489 89827) appeared before this Court along with his counsel Mr.G.Rakesh Kumar, Advocate (Enrollment No.4725/2019; Mobile No.8939427391).

7. When we enquired Desingu, he stated that he is residing in Balajikuppam, Ramapuram (Post), Thada (Mandal), Nellore District - 524 401; he is working in a private tyre company in Oothukottai; his two children are with him. He further stated that he is not with his parents, but, living separately with his wife and children in the aforesaid address. It is his further submission that according to him, his wife went missing from 12.01.2022, in connection with which, he gave a complaint, posted a video in his Facebook account, issued pamphlets and is searching for her everywhere.

8. It is not the case of the petitioner that her daughter Nandhini is in the illegal custody of the police and therefore, no writ of habeas corpus can be issued.

9. However, we direct the Inspector of Police, All Women Police Station, Ponneri, Thiruvallur District, to liaise with the Inspector of Police, Thada Police Station, Nellore District, from time to time and take earnest steps to trace Nandhini and keep the petitioner informed of the developments, if any.



10. We are afraid that beyond this, we cannot issue any further directions to Thada Police, as we do not have the territorial jurisdiction for the same.

With the above directions, this habeas corpus petition stands closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 2.The Superintendent of Police,
Nellore District.
- 3.The Inspector of Police,
E-1, Ponneri Police Station,
Law & Order, Ponneri,
Thiruvallur District.
- 4.The Inspector of Police,
Thada Police Station,
Sri Potti Sri Ramulu Nellore District,
Andhra Pradesh.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Gangadharan, Advocate, S.R.No.20521

H.C.P.No.428 of 2022

SKM(CO)
SB(07/04/2022)