



HCP No.1377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2022

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No.1377 of 2022

Deyvanai

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
Railway Police Station,
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st and 2nd respondent to produce petitioner's daughter Roja, aged 27 years before the Honble Court, and set her at liberty.

For Petitioner : Mr.S.Velmurugan

For Respondents : Mr.M.Babu Muthumeeran
Additional Public Prosecutor



HCP No.1377 of 2022

ORDER

WEB CO
**S.VAIDYANATHAN, J.,
AND
A.D.JAGADISH CHANDIRA, J.,**

The petitioner / mother has filed Habeas Corpus Petition seeking production of her daughter Roja, aged 27 years, before this Court.

2. The case of the petitioner is that her daughter Roja W/o. Arumugam, was working as a police officer at Dharmapuri Railway Police and he married one Arumugam and that they were living peacefully. It is the further case of the petitioner that the alleged detainee used to speak to a person by name Ravivarma who was working as a Traffic Police at Tiruppur and that the petitioner's son-in-law had advised his daughter to discontinue the relationship with the said Ravivarma. Thereafter, Arumugam personally visited the residence of third respondent and informed his wife not to contact the petitioner's daughter. While so on, 24.02.2022, the petitioner's daughter left the residence stating that she is going for her job. However, on 25.02.2022, a lady police by name Soniya who is the colleague of the petitioner's daughter informed that the petitioner's daughter was standing



HCP No.1377 of 2022

with two bags of luggage in Salem Railway Station. Thereafter the petitioner did not return back home and thereby the petitioner's son-in-law Arumugam had given a complaint to the Salem Railway Police in respect of missing of the petitioner's daughter. The Railway Police had registered a case in Cr. No.24 of 2022 on 26.02.2022 under the caption “Woman Missing”. Since no further action has been taken by the respondent police, the present petition has been filed seeking production of petitioner's daughter.

3. When the matter is taken up today, the learned Additional Public Prosecutor would submit that the alleged detainee is a Railway Constable aged 29 years. After registration of complaint, the alleged detainee had appeared before Salem Railway Police on 26.02.2022 and she had given a detailed statement stating that she got married to one Ganesh when she was 15 years old and after four years there was some misunderstanding with the said Ganesh and that she had left the matrimonial home. She had further stated that during the year 2013, the said Arumugam wanted to marry her but since the earlier marriage was not dissolved, they have not married and



HCP No.1377 of 2022

that they were living together. When she was working at Chennai, the said Arumugam had suspected her and compelled her to resign the job. She further submitted that since Arumugam had continuously threatened her, she had left Arumugam on her own volition and she had been living separately. Learned Additional Public Prosecutor would submit that the alleged detainee's husband had suspected her that the detainee is having illicit relationship with one Ravivarma. He further submitted during enquiry, the photographs of the detainee was taken. Since the alleged detainee did not report for job for 60 days, departmental action has also been initiated against her and she has been declared as abandoned. He would submit that by order dated 28.04.2022 the police department has passed an order that she has abandoned the job.

4. Taking into consideration the facts and circumstances of the case and the submissions made by the parties and also taking into consideration the fact that the respondent police has registered the case for “Woman missing” and continuing with the investigation, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police,



HCP No.1377 of 2022

Railway Government Railway Police, Salem, to supervise the investigation in Railway Police Station, Salem with regard to case in Crime No.25/2022 and keep the petitioner informed of the developments, if any. As and when the detenue Roja daughter of the petitioner, aged 29 years, is secured, she shall be produced before the Judicial Magistrate III Salem, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

(S.V.N.,J.) (A.D.J.C.,J.)
22.07.2022

Index: Yes/No

bkn

Copy to :

- 1.The Superintendent of Police,
Salem District.
- 2.The Inspector of Police,
Railway Police Station,
Salem District.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



HCP No.1377 of 2022

**S.VAIDYANATHAN, J.,
AND
A.D.JAGADISH CHANDIRA, J.,**

bkn

H.C.P. No.1377 of 2022

22.07.2022