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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

Coram

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

H.C.P.No.2067 of 2020

Ravichandiran  
S/o.Kasinathan

.. Petitioner /  
Father of the detenue

Vs.

State represented by:-

1. The Superintendent of Police,  
Krishnagiri District,  
Tamil Nadu - 635 001.
2. The Inspector of Police,  
All Women Police Station,  
Hosur, Krishnagiri District.  
Crime No.16 of 2020

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus seeking a direction to the respondents to produce the petitioner's minor daughter Nisha, aged about 16 years, before this Court and handover custody to the petitioner.

|                 |   |                                                   |
|-----------------|---|---------------------------------------------------|
| For Petitioner  | : | Mr.C.Mohanraj                                     |
| For Respondents | : | Mr.R.Muniyapparaj<br>Additional Public Prosecutor |

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the respondents to produce the petitioner's minor daughter Nisha, aged about 16 years, before this Court and hand over custody to the petitioner.



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2. On 06.12.2021, we passed the following order:

'This petition has been filed seeking a direction to the respondents to produce the petitioner's minor daughter Nisha, aged about 16 years, before this Court and hand over custody to the petitioner.

2. It is the case of the petitioner that his daughter Nisha was born 09.02.2004 in Cuddalore, in support of which, he has submitted a copy of her birth certificate issued by the Cuddalore Municipality. It is the further case of the petitioner that his daughter was working as a coolie in Premier Mill, Hosur, Krishnagiri District and that he was informed on 30.09.2020 that her daughter has gone missing from the mill. In this connection, on the complaint given by the petitioner, a case in AWPS Hosur P.S.Crime No.16 of 2020 has been registered on 07.10.2020 for 'girl missing'. Alleging that the police are not taking effective steps to secure his daughter, the petitioner has filed the present petition.

3. Today, Ms.N.Savithiri, Inspector of Police, Hosur - All Women Police Station, is present.

4. We directed the police to file a status report and accordingly, the police filed a status report dated 14.12.2020 on 16.02.2021, based on which, we passed the following order on 16.02.2021:

'Today, Ms.S.Sasikala, Inspector of Police, All Women Police Station, Hosur, Krishnagiri District is present. She has already filed a status report dated 14.12.2020, wherein the steps that have been taken by the police to trace the victim in Tamil Nadu as well as in Orissa have been elaborately stated.

2. A reading of the status report shows that, the victim girl and one Chandrakanth Naik from Orissa were in love and that she has eloped with him. From the status report, it is seen that Chandrakanth Naik was already married to one Lakshmi Pratheepa of Thousainga Village, Bathrak District. A special police party went to Orissa and on enquiry, they learnt that Lakshmi Pratheepa has also lodged a complaint to the local police to secure her husband Chandrakanth Naik.



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3. Recording the same, this matter stands adjourned to 16.03.2021. In the meanwhile, if the victim girl is secured, she may be produced before the Judicial Magistrate I, Hosur, under intimation to the petitioner and the learned Magistrate shall pass appropriate orders with regard to the custody.'

5. Today, when the matter was taken up for hearing, an Advocate, by name, Debabrata Mohapatra, Mobile No.70082 91641 of Odissa, produced the detinue Nisha via video conferencing and stated that she is in the family way. When we asked him to produce her in person before us, he sought time and undertook to produce her before us on 14.12.2021. The petitioner shall also be present.

Call on 14.12.2021 for physical hearing.'

3. On 14.12.2021, we passed the following order:

'Today N.Savithiri (Mobile No.94981 78925), Inspector of Police, All Women Police Station, Hosur, Krishnagiri District, is present.

2. On 06.12.2021, we passed a detailed order.

3. In the said order, it is stated that one Mr.Debabrata Mohapatra appeared via video conferencing and produced Nisha and stated that she is pregnant. He undertook to produce Nisha before us on 14.12.2021.

4. However, the learned Additional Public Prosecutor, on instructions from the police, submitted that the said Advocate told the police that he may not be in a position to produce Nisha, as she is not willing to come over to Chennai.

5. The Superintendent of Police, Krishnagiri District, is directed to liaise with his counterpart in Bhadrak District in Odisha, in order to find out the address, mobile number and whereabouts of Nisha.

Post the matter on 28.01.2022.'

4. Today, Ms.N.Savithiri, Inspector of Police, Hosur - All Women Police Station, Krishnagiri District, is present via video conferencing.



5. On instructions, learned Additional Public Prosecutor submitted that Nisha got married to Chandrakanth Naik and she stated that she is not in the illegal custody of anyone. When we enquired Nisha, she stated the same thing.

In such view of the matter, since there is no illegal detention of Nisha and that Nisha is admittedly in Odisha, this Habeas Corpus Petition is closed, as this Court has no jurisdiction to direct the Odisha police to produce Nisha before us. It is open to the petitioner to approach the High Court of Odisha for appropriate relief.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Superintendent of Police,  
Krishnagiri District,  
Tamil Nadu - 635 001.
2. The Inspector of Police,  
All Women Police Station,  
Hosur, Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.2067 of 2020

GPL[co]  
NSK 15/03/2022