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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

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

H.C.P.NO.2150 OF 2021

Mari
W/o.Late Raja

... Petitioner

.Vs.

1. The Superintendent of Police,
Salem District Superintendent of Police Office,
Salem District.
2. The Inspector of Police [Law and Order],
Omalur Police Station,
Salem District.
3. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
4. Women's Home,
Represented by its Authorised Person,
Kuppamedu, Omalur,
Salem District.

5. Muniyappan

... Respondents

PRAYER:-

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 herein to produce the body of the detainee Kavya D/o.Late Raja, aged about 21 years, before this Court and restore her legal custody.

For Petitioner : Mr.K.Rahul
For Mr.K.Thenrajan



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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
[R1 to R3]

No appearance [R4]

ORDER

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

This petition has been filed seeking a direction to the respondents 1 and 2 herein to produce the body of the detenue Kavya d/o.late Raja, aged about 21 years, before this Court and restore her legal custody.

2. On 27.01.2022, we passed the following order:

'Mr.Dhavamani, Inspector of Police, Palacode Police Station, Dharmapuri District, is present via video conferencing.

2. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, submitted that the petitioner's daughter Kavya went away on her own volition from the house of the petitioner as the petitioner was making arrangements for her marriage, which was not to the liking of Kavya. Therefore, she went away with one Muniyappan [fifth respondent herein]. On the complaint given by the petitioner, a case in Palacode P.S.Crime No.494 of 2021 was registered for 'woman missing' on 22.11.2021 and during the course of investigation, Kavya was traced and she stated that she is not willing to go with the petitioner. Therefore, Kavya was lodged in the fourth respondent Home. Since Kavya got placement elsewhere, she left the fourth respondent Home.

3. It is the grievance of the petitioner that the whereabouts of Kavya is not known to her after she left the fourth respondent Home.

4. In view of the above, we direct the respondent police to produce Kavya via video conferencing before this Court on the next hearing date.

Call on 07.02.2022.'



3. Today, Mr.Dhavamani, Inspector of Police, Palacode Police Station, Dharmapuri District, produced the detenue Kavya via video conferencing from the police station. The petitioner and her counsel are also present via video conferencing.

4. When we enquired Kavya, she stated that her date of birth is 10.06.2001 and that she is 21 years old. She stated that her mother wanted her to get married to a 40 year old man and since she was not agreeable for the marriage, she left her mother's company and is residing in Coimbatore and working in a private company. She further stated that she does not want to disclose her present address as she fears harassment by her mother.

5. Be that as it may, we do not find that the detenu Kavya is in the illegal custody of anybody, much less the respondents herein, for the issuance of a writ of habeas corpus.

Accordingly, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Superintendent of Police,
Salem District Superintendent of Police Office,
Salem District.
2. The Inspector of Police [Law and Order],
Omalur Police Station,
Salem District.
3. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.NO.2150 OF 2021

JP-II(CO)
PBS/14/02/2022