



H.C.P.No.2140 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2140 of 2022

V.Sudarsanan

.. Petitioner

Vs

1.State of Tamil Nadu represented by
its Assistant Commissioner of Police,
Avadi, Chennai – 600 054.

2.The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District.

3.Srinath

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first and second respondents herein to secure the petitioner's daughter Sowmiya, D/o.Sudarsanan, aged about 22 years, now illegal custody of the third respondent herein, before this Court and set her at liberty.



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For Petitioner : Mr.R.Sankarasubbu

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 by the petitioner seeking a direction to the first and second respondents herein to secure the his daughter Sowmiya, aged about 22 years, now in the illegal custody of the third respondent herein, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Sowmiya, aged about 22 years, went missing from 15.10.2022 and that she is in illegal custody of the third respondent herein.

3. Today, K.Kumaravel (Mobile No.97909 59749), Sub-Inspector of Police, B-4, Shevapet Police Station, Thiruvallur District, is present. The petitioner and his wife are also present.



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4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Sevvapet Police Station Crime No.344 of 2022 has been registered on 16.10.2022 for “woman-missing” and during the course of investigation, it came to light that Sowmiya was in love with the third respondent and eloped with him, went to a temple in Andhra Pradesh, got married to him and surrendered before the Inspector of Police, Gudur Town Police Station and sought protection alleging that since their marriage is an intercaste marriage, there is every possibility of honour killing. He further submitted that Gudur police contacted Sevvapet police and informed them about the same and during conversation, the police came to know that the couple is scared to come to their native place fearing reprisal.

5. The learned counsel for the petitioner submitted that the parents of Sowmiya will not resort to any such violence and just want to meet their daughter and hear from her.



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6. In such view of the matter, it cannot be stated that she is in illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, Poonamallee Range, Thiruvallur, to supervise the investigation in Crime No.344 of 2022 that is being conducted by the Inspector of Police, Sevvapet Police Station, Tiruvallur and keep the petitioner informed of the developments, if any. As and when the detinue Sowmiya, aged about 22 years, is secured, she shall be produced before the Judicial Magistrate Court No.II, Thiruvallur, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

(P.N.P., J.) (TKRJ)
28.10.2022

nsd



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To

- 1.The Judicial Magistrate No.II,
Thiruvallur District.
- 2.The Assistant Commissioner of Police,
Avadi, Chennai – 600 054.
- 3.The Assistant Commissioner of Police,
Poonamallee, Thiruvallur.
- 4.The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District.
- 5.The Public Prosecutor,
High Court, Madras.



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and
RMT.TEEKAA RAMAN, J.

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