



WEB COPY



H.C.P.No.2337 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

Coram

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

H.C.P.No.2337 of 2022

S.Saraswathi

.. Petitioner

Vs

State represented by

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

2.The Inspector of Police,
Mohanur Police Station,
Mohanur, Namakkal District.

3.Mahesh

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first and second respondents to produce the body of the detenue S.Narmatha, aged about 21 years, daughter of S.Saraswathi, the petitioner herein, before this Court and set her at liberty and from the custody of the third respondent.



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For Petitioner : Mr.P.Saravana Sowmiyan

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 to produce her daughter S.Narmatha, aged about 21 years, who is in the custody of the third respondent herein, before this Court and set her at liberty.

2. It is the case of the petitioner that her daughter Narmatha, aged about 21 years, went missing from 23.08.2022 and that she is in the illegal custody of Mahesh, third respondent herein.

3. Today, P.Jawahar (Mobile No.94981 69049), Sub-Inspector of Police, Mohanur Police Station, Namakkal District, is 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 Mohanur Police Station Crime No.212 of 2022 was registered on 28.08.2022 for “woman-missing” and during the course of investigation, it came to light that Narmatha fell in love with Ajith, third respondent herein, who is working as a Constable in Mohanur Police Station and who is also a married man with two children. He further submitted that Narmatha and Ajith have eloped and hence, the police have altered the case in Crime No.212 of 2022 by adding Section 366 IPC.

5. In such view of the matter, we direct the Deputy Superintendent of Police, Namakkal Sub-Division, Namakkal District, to supervise in the investigation in Crime No.212 of 2022 that is being conducted by the Inspector of Police, Mohanur Police Station, Namakkal District and keep the petitioner informed of the developments, if any. As and when the detenue Narmatha, aged about 21 years, is secured, she shall be produced before the Judicial Magistrate Court No.II, Namakkal District,



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under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

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

(P.N.P., J.) (TKRJ)
17.11.2022

nsd



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To

- 1.The Judicial Magistrate No.II,
Namakkal District.
- 2.The Superintendent of Police,
Namakkal District.
- 3.The Deputy Superintendent of Police,
Namakkal Sub-Division,
Namakkal District.
- 4.The Inspector of Police,
Mohanur Police Station,
Namakkal District.
- 5.The Public Prosecutor,
Madras High Court.



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and
RMT.TEEKAA RAMAN, J.

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