



H.C.P.No.2390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

H.C.P.No.2390 of 2022

Lavanya
W/o.Ramesh

... Petitioner

Vs.

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

2.State represented by
Inspector of Police,
E-1 Ponneri Police Station,
Thiruvallur District.

3.Murthy
S/o.Subramani

4.M.Baskar
S/o.Murthy

5.Sridhar Babu
S/o.Ramesh

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Habeas Corpus directing the second respondent to produce the petitioner's daughter, namely, Ramya, aged 19 years, before this Court from the illegal custody of respondents 3 to 5 and set her at liberty.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.P.J.Anitha

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
[R1 & R2]

ORDER

[Made by **P.N.PRAKASH, J.**]

This petition has been filed seeking a direction to the second respondent to produce the petitioner's daughter, namely, Ramya, aged 19 years, before this Court from the illegal custody of respondents 3 to 5 and set her at liberty.

2. Mr.R.C.Paul Kanagaraj, learned counsel appearing for Mr.P.J.Anitha, learned counsel, on record, for the petitioner, submitted that he is not pressing this petition against the fifth respondent and has also made an endorsement to that effect.



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3. Recording the same, this petition is dismissed as withdrawn as against the fifth respondent.

4. It is the case of the petitioner that her daughter Ramya went missing from 02.11.2022, that she is in the illegal custody of respondents 3 and 4 and that police are not taking effective steps to secure her.

5. Today, Ms.N.Nirmala, Inspector of Police, All Women Police Station, Ponneri Police Station [Mobile No.94981 45277], is present.

6. On instructions, Mr.R.Muniyapparaj, learned Additional Public Prosecutor, submitted that the petitioner lodged a complaint to the Inspector of Police, E-1 Ponneri Police Station, Thiruvallur District [second respondent herein], based on which, a case in Ponneri P.S.Crime No.320 of 2022 has been registered on 03.11.2022 for “woman missing”. While so, Ramya appeared before the Inspector of Police, All Women Police Station, Ponneri, for protection. An enquiry was conducted by the Assistant Superintendent of Police, Tiruvallur, in which, all the parties including the



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petitioner and Ramya appeared. After noticing that Ramya was more than 18 years, the Inspector of Police, All Women Police Station, Ponneri, could not forcibly hand over her custody to the petitioner against her will. Thereafter, the petitioner has filed the present petition.

7. Today, the police produced Ramya. The petitioner was also present.

8. When we enquired Ramya, she stated that her date of birth is 25.10.2003; she is studying final year B.Com in a local college; she is in love with Baskar [fourth respondent herein]; since her parents were not agreeable for their marriage, she left her parental home and she is now residing with Baskar's grandmother Vembuli.

9. We permitted the petitioner to interact with Ramya in the Mediation Room for an hour and thereafter, when we asked Ramya as to with whom she wants to go, she stated that she does not want to go with the petitioner and that she is safe in the house of Vembuli. Vembuli, who was also present in the Court, stated that she is taking care of Ramya and would take all responsibility for that.



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Since Ramya is not a juvenile, we cannot forcibly handover her to the petitioner against her wishes. Recording the above, this Habeas Corpus Petition is closed.

[PNP, J.] [GCS, J.]
24.11.2022

Index: Yes/No
gm

To

- 1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 2.The Inspector of Police,
E-1 Ponneri Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court, Madras.



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