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HCP No.2399 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.2399 of 2022

C.Manikandan
S/o.Chinnapaiyan

... Petitioner

Vs.

1.The Commissioner of Police,
Salem City, Salem.

2.The State represented by its
The Inspector of Police,
C-4, Veeranam Police Station,
Salem District.

3.Vanniyakumar
S/o.Mallan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the petitioner's wife V.Vanitha D/o.Vanniyakumar, aged about 18 years, from the illegal custody of the third respondent and set her at liberty.



HCP No.2399 of 2022

For Petitioner : Mr.J.Rajmohan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the body of the petitioner's wife V.Vanitha D/o.Vanniyakumar, aged about 18 years, from the illegal custody of the third respondent and set her at liberty.

2. On 24.11.2022, we passed the following order:

"It is the case of the petitioner that his wife Vanitha, aged about 18 years, is in the illegal custody of her father Vanniyakumar, third respondent herein and that the police are not taking effective steps to secure her.

2. Today, K.Kasthuri, (Mobile No.94981 84875), Inspector of Police, Veeranam Police Station, Chennai, is present.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor made arrangements to speak to Vanitha *via* WhatsApp video call.

4. We find that Vanitha was in the company of her parents and she was repeating whatever has been taught by her father.

5. Hence, the police is directed to produce Vanitha, aged



WEB COPY



HCP No.2399 of 2022

about 18 years, before this Court on 28.11.2022. The petitioner shall also be present before this Court on that day (28.11.2022).

Post the matter on 28.11.2022."

3. Today, Mr.P.Shanmugavalli, Special Sub-Inspector of Police, Veernam Police Station [Mobile No.99440 00371], is present.

4.The police produced Vanitha and Vanniyakumar [third respondent herein]. The petitioner was also present.

5. When we enquired Vanitha, she stated that her date of birth is 30.10.2004; she wants to go with her parents and that she is not in their illegal custody.

6. Since Vanitha is not a minor, we cannot compel her to go with the petitioner when she has clearly stated that she wants to go with her parents.

Recording the same, this Habeas Corpus Petition is closed.

[PNP, J.] [TKR, J.]
28.11.2022



HCP No.2399 of 2022

Index: Yes/No
gm

To

- 1.The Commissioner of Police,
Salem City, Salem.
- 2.The Inspector of Police,
C-4, Veeranam Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.
gm

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WEB COPY



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28.11.2022