



WEB COPY



H.C.P.No.2500 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.2500 of 2022

D.Gomathi

.. Petitioner

Vs.

State rep. by

1.The Director General of Police
O/o.The Director General of Police
Dr.Radhakrishnan Salai, Mylapore
Chennai

2.The Commissioner of Police
Chennai City
Vepery, Chennai-7

3.The Inspector of Police
V-1 Villivakkam Police Station
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying
to issue a WRIT OF HABEAS CORPUS directing the respondents to



H.C.P.No.2500 of 2022

produce the petitioner's son Akash, aged 20 years, S/o.Dakshinamoorthy, last residing at before this Court and set her at liberty.

For Petitioner : Mr.P.Saranath

For Respondents : Mr.R.Muniyapparaj

Additional Public Prosecutor

ORDER

[Made by N.ANAND VENKATESH, J.]

The mother of the detenu has filed this petition on the ground that her son Akash, aged 20 years, went missing for the last 47 days and hence, sought for a direction to the respondent police to produce the body of her son.

2. Today, Ms.U.Porkodi, Sub-Inspector of Police, W-9 All Women Police Station, Villivakkam and Mr.S.Tamilselvan, Sub-Inspector of Police, V-1 Villivakkam Police Station, are present before this Court.

3. The learned Additional Public Prosecutor, on instructions, submitted that Akash had an affair with one Kamali @ Akshaya, who is already married to one Kannan; Kamali @ Akshaya and Kannan have a



H.C.P.No.2500 of 2022

child; Akash and the said Kamali @ Akshaya eloped and a complaint was given by Kannan before the AWPS, Villivakkam, and the same was taken on file as C.S.R.No.383 of 2022; the Sub-Inspector of Police, AWPS, Villivakkam, called the parties for enquiry on 10.09.2022; Aakash, Kamali @ Akshaya, Kannan and the petitioner were present at the time of enquiry; Akash gave a written statement to the effect that he is willing to go only with Kamali @ Akshaya; recording the statement of Akash, AWPS Villivakkam C.S.R.No.383 of 2022 was closed. It is also brought to our notice that the child that was born to Kamali @ Akshaya-Kannan couple, was also handed over to the parents of Kamali @ Akshaya.

4. The grievance of the petitioner is that her son Akash has not come to house for more than 47 days and hence, a complaint was given to the Commissioner of Police through post and no action has been taken on the said complaint.

5. In the considered view of this Court, already, an enquiry was conducted by the AWPS, Villivakkam and the statements given by the



H.C.P.No.2500 of 2022

respective parties have been recorded and Akash has chosen to go along with Kamali @ Akshaya. Under such circumstances, no useful purpose will be served to give a further direction to the 3rd respondent to conduct enquiry.

Recording the above, this habeas corpus petition stands closed.

[P.N.P., J.] [N.A.V., J.]

06.12.2022

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Chennai

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3.The Inspector of Police
AWPS, Villivakkam

4.The Inspector of Police
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5.The Public Prosecutor
High Court, Madras



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

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