



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.[MD]No.966 of 2022

Sundarathai

: Petitioner/ Mother of the detenu

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
SH 44, District Collectorate,
Sulakkarai, Virudhunagar,
Tamil Nadu - 626 002.

2.The Inspector of Police,
Watraph Police Station,
Virudhunagar District.

3.R.Prabhakaran : Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 2 to produce the person or body of the detenu namely Ms.Nivetha aged 24 (Twenty four) before this Court and set her at liberty.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1&2 : Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

It is the case of the petitioner that her daughter Nivetha aged about 24 years went missing from 16.05.2022 and that the police are not taking effective steps to secure her. Hence, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

2. Heard Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor who accepts notice on behalf of the respondents 1 and 2.

3. Today, Mr.K.Lakshmana Boopathi (Mobile No.9498184005] Special Sub-Inspector of Police, Watrap Police Station, Virudhunagar District is present before this Court.



4. On instructions, learned Additional Public Prosecutor submitted that Nivetha was in love with one Prabhakaran [third respondent herein], eloped with him and got married to him in Rettai Vinayagar Temple, Thallakulam, on 17.05.2022 and the couple appeared before the Station House Officer, All Women Police Station, Thallakulam and sought protection. On the complaint given by them, a petition enquiry in C.S.R.No.431 of 2022 was registered and the parents of Nivetha and Prabhakaran were called for enquiry. Only the parents of Prabhakaran appeared and not the parents of Nivetha. However, on the complaint given by the petitioner, a case in Watrap Police Station in Crime No.121 of 2022 has been registered on 16.05.2022 for 'woman missing'.

5. In such view of the matter, it cannot be stated that Nivetha is in the illegal custody of the respondents for the issuance of a Writ of Habeas Corpus. However, we direct the Inspector of Police, Watrap Police Station to produce Nivetha before the learned Judicial Magistrate I, Srivilliputhur under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law. It is reported that Nivetha's marriage to the third respondent is an inter-caste one and therefore, sufficient protection requires to be given by the police to Nivetha when she is produced before the learned Judicial Magistrate I, Srivilliputhur.

6. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

MR

To:

1. The Judicial Magistrate I,
Srivilliputhur.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
SH 44, District Collectorate,
Sulakkarai, Virudhunagar,
Tamil Nadu - 626 002.



3.The Inspector of Police,
Watraph Police Station,
Virudhunagar District.

4.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-28271[F] dated
27/06/2022)

H.C.P.[MD]No.966 of 2022
24.06.2022

_RD(05.07.2022) 3P 7C