



WEB COPY



HCP(MD)No.1566 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1566 of 2022

P.Subburaj

... Petitioner

/Vs./

1.The Superintendent of Police,
District Police Office,
Thoothukudi & District.

2.The Inspector of Police,
Thattparai Police Station,
Thoothukudi & District.

3.Solaiyappan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the 1st and 2nd Respondents to produce the person or body of the detainee Petitioner's daughter namely Ellammal, D/o.P.Subburaj, age 23 years before this Court from the illegal custody of the third respondent and set her at liberty.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor (For R1 & R2)



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ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

The father of the detenu is the petitioner, who has sought for a direction to the respondent police to produce the body of his daughter, who is said to be in the illegal custody of the third respondent.

2.The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by the petitioner, FIR was registered by the second respondent in Crime No.105 of 2022 for an offence under Section 366 IPC against the third respondent. The learned Additional Public Prosecutor further submitted that all steps are being taken to secure the detenu, who is said to have eloped with the third respondent.

3.In the considered view of this Court, the second respondent is already investigating the FIR registered for the offence of kidnapping. Hence, all steps shall be taken by the second respondent to secure and



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produce the detenu before the learned Judicial Magistrate, Tuticorin. The learned Judicial Magistrate, Tuticorin, shall ascertain the wishes of the detenu and act accordingly.

4.This Habeas Corpus Petition is disposed of.

(J.N.B.,J.) (N.A.V.,J.)
21.09.2022

Index : Yes/No
Internet : Yes

To:

- 1.The Superintendent of Police,
District Police Office,
Thoothukudi & District.
- 2.The Inspector of Police,
Thattparai Police Station,
Thoothukudi & District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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