



H.C.P.(MD)No.1883 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1883 of 2022

Paneerselvam

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.613 of 2022)

3.Nivas

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce

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the body or person of the petitioner's daughter the detenu Vaishnavi, D/o.Paneerselvam, aged about 20 years, now illegally detained by the third respondent, before this Court and set her at liberty.

For Petitioner : Mr.Mathavaselvam

For Respondents 1 & 2 : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by **N.ANAND VENKATESH, J.**]

This Habeas Corpus Petition has been filed by the father of the detenu, who has sought for securing his daughter Vaishnavi, who is aged about 20 years and is said to be in the illegal custody of the third respondent.

2. The learned Additional Public Prosecutor, on instructions, submitted that the detenu developed a love affair with the third respondent



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and ultimately, she got married to him. It was submitted that it was an inter-caste marriage and there was an opposition from the side of the petitioner. Hence, the detenu had given a complaint before the All Women Police Station, Cantontment, Trichirappalli, seeking for police protection. Ultimately, the parties were called and their statements were recorded and a closure report has been made ready as "mistake of fact".

3. The learned counsel for the petitioner submitted that the petitioner has not even seen his daughter and the police must be directed to at-least allow the petitioner to meet his daughter. The learned Additional Public Prosecutor submitted that the final report is yet to be filed before the concerned Magistrate Court and hence, the detenu as well as the petitioner will be called before the concerned Magistrate Court and the concerned Magistrate shall record the statements of the petitioner and the detenu and thereafter, the closure report can be taken on file.

4. The learned Additional Public Prosecutor further submitted that since it is an inter-caste marriage, steps are being taken by the All



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Women Police Station, Cantontment, Trichirappalli, to provide police protection.

5. In the considered view of this Court, considering the developments that have taken place in this case, no further orders can be passed in this Habeas Corpus Petition, except making it clear that at the time of filing the final report before the concerned Court, the petitioner as well as the detenu shall be called by the concerned Magistrate and their statements shall be recorded. If there is any threat to the detenu and the third respondent, necessary protection shall also be given.

6. Accordingly, this Habeas Corpus Petition is disposed of.

(M.S.R.,J.) (N.A.V.,J.)
14.11.2022

Index : Yes/No
Internet : Yes
rm



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Cantontment,
Trichirappalli,
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 3.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.

and

N.ANAND VENKATESH, J.

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