



H.C.P.No.572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.572 of 2023

Alamelu
W/o.Amul Dass

.. Petitioner

Vs.

1. The Superintendent of Police
Superintendent Office
Salem.

2. The Sub-Inspector of Police
Thalaivasal Police Station
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent herein to produce petitioner's daughter namely, Vasanthi aged about 21 years before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.D.Padmanabhan
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor

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assisted by
Mr.M.Sylvester John, Advocate

ORDER

[Order of the Court was made by M.NIRMAL KUMAR, J.,]

The petitioner, who is the mother of 'Vasanthi' [hereinafter 'absentee' for the sake of convenience and clarity] lodged a complaint before the respondent police stating that the absentee who had gone for work on 15.02.2023 had not returned to home and the petitioner was unable to contact the absentee since her mobile was switched off and an FIR in Crime No.70 of 2023 was registered by the respondent police on 17.03.2023 for 'woman missing'. On 08.04.2023, the petitioner was informed by second respondent that the absentee is before Ulundurpet Police, accompanied by the second respondent, the petitioner had gone to Ulundurpet police station where she was informed that marriage between one Vijay and the absentee took place on 16.02.2023 at Mariamman Temple, Kurinjipadi, Cuddalore District and the same was registered at SRO, Kurinjipadi on 27.02.2023. The absentee attempted to speak with the petitioner but she was not allowed to speak and the absentee was surrounded with about 40 persons belonging

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to Vijay's family. The petitioner doubts whether the marriage between the absentee and Vijay is with the free consent of the absentee. Now, the apprehension of the petitioner is that whether the entire episode was done in free and fair manner. Hence, the petitioner approached this Court and filed the present habeas corpus petition.

2. The learned counsel for the petitioner requested this Court to produce the absentee before the concerned jurisdictional Magistrate namely, Judicial Magistrate No.II, Athur so that the petitioner can have interaction with the absentee to find out whether the marriage of the absentee was with compulsion or threat and to clear her doubts.

3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, assisted by Mr.M.Sylvester John, learned counsel who accepts notice for both respondents submits that the petitioner's complaint was immediately registered in crime No.70 of 2023 for 'woman missing'. The investigation is in progress, it came to light that the absentee had married one Vijay on 16.02.2023 at Mariamman Temple, Kurinjipadi, Cuddalore District and the



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same was registered at SRO, Kurinjipadi on 27.02.2023. In the meanwhile, an information was received from Ulundurpet Police Station on the complaint of Vijay that he is facing threats at the hands of the petitioner and her family members. Hence, the petitioner along with second respondent went to Ulundurpet police station, where the absentee and Vijay present in the Ulundurpet police station. The petitioner had an interaction with them. Now, the petitioner has developed a new story as if the absentee is under threat and force. In any event, the petitioner's apprehension can be cleared by producing the absentee before the jurisdictional Magistrate.

4. Considering the facts and circumstances of the case, considering the fact that this is not a case of illegal detention or illegal custody and in view of the mother's apprehension of her daughter's well being, this Court directs the second respondent to produce the absentee before the Judicial Magistrate No.II, Athur on 20.04.2023. The Judicial Magistrate-II, Athur shall permit the petitioner to have interaction with the absentee to clear all her doubts without any interference.



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5. With the above directions, the Habeas Corpus Petition is disposed

of as closed. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

13.04.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

1. The Superintendent of Police
Superintendent Office
Salem.
2. The Sub-Inspector of Police
Thalaivasal Police Station
Salem District.
3. The Public Prosecutor
High Court, Madras.

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M.NIRMAL KUMAR, J.,

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