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H.C.P.No.908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mr.JUSTICE R.SAKTHIVEL

H.C.P.No.908 of 2023

R.Mary Anectra
Wife of Rajendran

.. Petitioner

Vs.

1. The Superintendent of Police
Erode District
Erode
2. The Superintendent of Police
Tiruvallur District
Tiruvallur
3. The Inspector of Police
Gummidipoondi Police Station
Sipcot, Gummidipoondi
Tiruvallur District
4. F.Reagan

... Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the third respondent to produce the petitioner's daughter R.Nishanthini, daughter of Rajendran, aged 24 years before this Court from the illegal custody of the fourth respondent and set her at liberty forthwith.

For Petitioner : Mr.K.M.Malar Mannan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. Short facts shorn of elaboration or in other words, short facts that are imperative for appreciating this order are that the petitioner is a Sri Lankan, she is residing in Sathyamangalam, Erode under the control of Bhavani Sagar Sri Lankan Refugees Camp of Tamil Nadu for the past 25 years; that according to the petitioner, on 06.02.2023 at about 10.30 a.m, the fourth respondent had abducted her daughter Nishanthini; that according to the petitioner, her daughter (we shall refer to petitioner's daughter as 'absentee' for the sake of convenience) has been illegally detained by the



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fourth respondent; that it is to be noted that fourth respondent is a private respondent; that petitioner's case is, she lodged a complaint on 15.02.2023 with the jurisdictional police authorities in Sathyamangalam; that there has been inaction; that therefore, captioned HCP was filed in this Court on 22.05.2023; that a Hon'ble Vacation Bench issued notice on 25.05.2023; that the matter is before us today.

3. In the hearing today, the petitioner, petitioner's counsel Mr.K.M.Malar Mannan, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for Respondents 1 to 3, fourth respondent and the absentee are present. To be noted, Mr.M.Gouthaman (Enrollment No.MS 845 of 2006), learned counsel with address for service at No.163, Additional Law Chambers, High Court Campus, Chennai – 600 104, submits that he is representing the fourth respondent.

4. This Court had interactions with the absentee and the petitioner, one after the other, in that order. The absentee and the petitioner had interaction in the Court with adequate privacy.

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5. What emerges from the interactions and submissions made before this Court are as follows:

i) Absentee says that she has gone with the fourth respondent on her own volition and there is no coercion or compulsion either from the fourth respondent or any other person;

ii) Absentee submits that she is married to fourth respondent and that she is happily married;

iii) The absentee had two interactions with us, one after requesting the fourth respondent to leave the Court hall;

iv) The petitioner said that the absentee has taken away some jewellery and about 1.8 lakhs cash from her place, that this has been averred in the petition and a complaint has been given by the petitioner being compliant dated 20.05.2023.

6. In the light of the narrative thus far, we find that this is not a case of illegal detention or unlawful custody by any one much less the fourth respondent. Therefore, we deem it appropriate to draw the curtains on the



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captioned HCP albeit preserving all the rights and contentions of all the parties concerned, more particularly the petitioner, the fourth respondent and the absentee to pursue their remedies *inter alia* about the jewellery and cash or any other issue touching upon this episode in a manner known to law. If such a course is adopted, as we have left open all the questions and preserved the rights of all the parties, the Court concerned / Fora shall deal with the matter on its own merits and in accordance with law uninfluenced by this order as this order has been made for the limited purpose of a habeas corpus legal drill .

7. In the light of the narrative thus far, which also captures what unfurled in the hearing today, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of the parties in the aforesaid manner.

(M.S.,J.)

(R.S.V.,J.)

23.06.2023

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes /No

gpa

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and
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