



H.C.P.No.1910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1910 of 2023

Radha

... Petitioner

Vs.

1. The State rep. by the Commissioner of Police,
Tambaram Commissioner Police,
Chengalpet District.

2. The State rep. by
Sub-Inspector of Police,
Guduvancherry Police Station,
Chengalpet District.

3. Vignesh Kumar

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the 2nd respondent herein to produce the detainee body or person of the petitioner's daughter Ramba aged about 24 years before this Court and set her at liberty forthwith.



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For Petitioner : Mr.S.Seenuvasan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

- (1) This petition has been filed for issuance a Writ of Habeas Corpus, directing the second respondent herein to produce the detainee body or person of the petitioner's daughter Ramba aged about 24 years before this Court and set her at liberty forthwith.
- (2) The petitioner is the mother of the detainee by name Ramba aged 24 years. It is the case of the petitioner that her daughter Ramba was staying at Guduvancherry and working in a private concern. She states that on 17.09.2023, the second respondent called her over phone and informed that her daughter married one Vignesh Kumar. She was unable to contact her daughter as her phone was switched off.
- (3) It is the further case of the petitioner that though she gave a complaint about her missing daughter on 20.09.2023, the respondents 1 and 2 had not taken any steps to secure her.



(4) However, from the status report filed by the respondent Police it is seen that the petitioner's daughter also lodged a complaint against her mother before the Nilakottai All Women Police Station and the same was assigned with CSR No.382 of 2023 dated 25.09.2023. Despite the fact that the petitioner and the family members were called for enquiry and the petitioner attended enquiry on 25.09.2023, the petitioner has filed this petition before this Court without even mentioning the facts which are within her knowledge.

(5) This Court is primarily of the view that the petitioner may not have a motive to suppress the fact about her attending the Police Station in connection with the complaint lodged by her daughter.

(6) It is the grievance of the petitioner that the detinue is now living with some third party as if there was a marriage. It is admitted before this Court that the marriage has not yet been registered. In such circumstances, the apprehension of the petitioner as a mother of the detinue to protect her from any undue influence by virtue of the relationship, she had developed with the third respondent, without knowing his credibility, cannot be faulted.



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(7) In such circumstances, this Court is inclined to pass the following order:

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- a) The Inspector Police, All Women Police Station, Nilakottai is directed to produce the detinue before the Judicial Magistrate, Nilakottai within a period of three weeks from the date of receipt of a copy of this order with due intimation to the petitioner.
- b) Thereafter, the Judicial Magistrate shall record the statement of the detinue and submit a report before this Court.
- c) Till such time the report is received, the second respondent Police shall ensure the safety of the detinue and the third respondent.
- d) The address and mobile phone number of the detinue and the third respondent shall be shared with the All Women Police Station and also to the learned Additional Public Prosecutor.

(8) With the above directions, this Habeas Corpus Petition is ordered.

[S.S.S.R., J.] [S.M, J.]
16.10.2023

pvs
Internet: Yes



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To

1. The Commissioner of Police,
Tambaram Commissioner Police,
Chengalpet District.
2. The Sub-Inspector of Police,
Guduvancherry Police Station,
Chengalpet District. 1.
3. The Public Prosecutor,
High Court, Madras.

Copy to

The Judicial Magistrate, Nilakottai



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

pvs

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