



H.C.P(MD)No.148 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.148 of 2023

Mariappan Vineeth

.. Petitioner/Husband of the
Detenu

Vs.

1.The Superintendent of Police,
Tenkasi District.

2. The Inspector of Police,
Courtallam Police Station,
Tenkasi District.

3.Navin

4.Tharmishtha Patel

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 & 2 to produce the person or body of the detenu, namely, Kruthika N Patel, daughter of S.Patel, aged about 21 years, before this Court and set her at liberty.



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For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R1 & R2

: Mr.D.Rajagopal
for R3

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

On 26.01.2023, based on the complaint given by one Mariappan Vineeth, case has been registered in Crime No.24/2023 under Sections 147, 294(b), 324, 427, 366 and 506(ii) IPC. As per the complaint, 7 named accused forcibly abducted the wife of the petitioner and in the course of their illegal act, they also attacked the complainant and his father. Since the girl who was abducted could not be traced, this Habeas Corpus Petition was filed to produce the body or person of the girl Kruthika N Patel, wife of the petitioner.



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2. The respondent police, after much persuasion, has secured the girl Kruthika N Patel and produced her before this Court on 07.02.2023. The girl was sent to Home to keep her free from external influence which may distract the course of investigation.

3. Today, as per the direction, the girl was produced before this Court from the Home. The police filed report stating that the statement under Section 161(3) Cr.P.C., as well as Section 164 Cr.P.C., of the girl has been recorded. On enquiry, she has given a letter stating that she wants to go with her grandfather, Mr.Sivaji L Patel or her paternal uncle, Mr.Haresh S Patel.

4. Earlier, the grandfather Mr.Sivaji L Patel, filed an affidavit given an undertaking that he will take care of his granddaughter Kruthika. However, police has some reservation to hand over the custody of the girl to Mr.Sivaji L Patel.

5. Taking her request on record and she being a major, capable of taking decision on her own, the girl is permitted to stay with her paternal



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uncle, Mr.Haresh S Patel, owner of Surya Plywood, Palluruthi, Kerala State.

However, taking note of the factual scenario, the person, who takes care and custody of the girl, shall ensure the safety of the girl and should cooperate with the investigation. The petitioner herein who claims to be the husband of the girl shall work out his remedy in the manner known to law before the appropriate forum.

6. With this direction, this Habeas Corpus Petition is closed.

[G.J.,J.] & [K.K.R.K.,J.]
16.02.2023

Internet :Yes
Index :Yes/No
NCC :Yes/No

PJL

To

1.The Superintendent of Police,
Tenkasi District.



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2. The Inspector of Police,
Courtallam Police Station,
Tenkasi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
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