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HCP.No.2045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2045 of 2024

Vedagiri

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
R1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.

3. Y.Arokia Doss

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce petitioner's daughter Gomathi, aged 21 years before this Court from the custody of 3rd respondent and set her at liberty.



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

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The present habeas corpus petition has been instituted to direct the 2nd respondent to produce petitioner's daughter *viz.*, Gomathi aged about 21 years from the illegal custody of the 3rd respondent *viz.*, Y.Arokia Doss.

2. The respondent/Police during investigation found that the detainee *viz.*, Gomathi got married with the third respondent/Y.Arokia Doss and they are blessed with a child and living at Adhiramapattinam, Thanjavur District.

3. The Status Report filed by the respondent/Police reveals that the detainee leading matrimonial life with her husband/Y.Arokia Doss and from and out of their wedlock, a girl child born. Along with the family they are living their life and there is no complaint or otherwise about their matrimonial life. The Police found that the allegations raised by the



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petitioner are incorrect and not found to be true.

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4. Earlier, the petitioner has filed HCP.No.1845 of 2022 before this Court and the matter was heard on 20.09.2022 and the following orders were passed:

"In such view of the matter, this Habeas Corpus Petition stands closed with the direction to the Assistant Commissioner of Police, T.Nagar Range, Chennai to supervise the investigation in Crime No.172 of 2022 that is being conducted by the Inspector of Police, Mambalam Police Station, Chennai and keep the petitioner informed of the developments, if any. As and when the detenue Gomathi, aged about 19 years, is secured, She shall be produced before the XVII Metropolitan Magistrate Court, Saidapet, Chennai under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law."

5. The petitioner instead of visiting house of the third respondent, who got married with his daughter, he is in the habit of filing habeas corpus



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petition unnecessarily.

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6. The learned Additional Public Prosecutor would submit that the second respondent/Police travelled all along from Mambalam, Chennai to Thanjavur District in order to found out whereabouts of the detainee.

7. Such habeas corpus petition if found to be Vexatious and unnecessary, the Court has to impose cost to meet out the public expense by the Police Officials.

8. In view of the fact that the present habeas corpus is the second one and the 2nd respondent/Police found that the daughter of the petitioner got married with the 3rd respondent and living along with her child, we are inclined to impose a cost of Rs.10,000/- (Rupees Ten Thousand Only), which is to be paid by the petitioner on or before 18.09.2024 in the following Treasury:

***"Chennai District Treasury,
2nd floor, Perasiriyar K.Anbazhagan Maligai,***



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***No.571, Anna Salai,
Nandanam, Chennai - 35."***

9. Accordingly, the habeas corpus petition stands **dismissed with costs.**

Post the matter for reporting compliance on 19.09.2024.

[S.M.S., J.] [V.S.G., J.]
05.09.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The Commissioner of Police,
Office of the Commissioner,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
R1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.
3. The Public Prosecutor,
Madras High Court,
Chennai – 104.

Copy to:

Chennai District Treasury,
2nd Floor, Perasiriyar K.Anbzhagan Maligai,
No.571, Anna Salai,
Nandanam, Chennai - 600 035.



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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05.09.2024