



H.C.P.(MD) No.785 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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M.Saraswathi

... Petitioner

-VS-

1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents 1 and 2 herein to produce the body or person of the detenu namely, Udhayathachayini, D/o.Saraswathi Murugavel, aged about 22 years before this Court and set her at liberty.



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For Petitioner :Mr.R.Thirupathi
For Respondents :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the mother of the detenu seeking to produce the alleged detenu namely Udhayathachayini, D/o.Saraswathi Murugavel, aged about 22 years before this Court and set her at liberty.

2. The case of the petitioner is that her daughter Udhayathachayini had completed her M.Com in the STC College, Perumalpuram as a day scholar staying in the house. On 12.06.2024 at about 11.30 a.m., the detenu had gone to STC college to receive her mark sheets from the college. Thereafter, she did not return back home. The petitioner has made a call to her daughter contact No. 63834-94776 and a man (someone else) picked it up and replied that his name is Madhan and her daughter is with him. He had further informed the petitioner not



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to search her daughter and thereafter, the petitioner tried to reach her daughter's phone again and it was switched-off. On 12.06.2024 the petitioner has made a complaint to the second respondent police. Based on which, a case was enquired in CSR.No.249/2024 and on the same day, the respondent police has also registered a case in Cr.No.270 of 2024 for 'Woman Missing'. The petitioner had been searching for her daughter. Since the respondent police have not taken any action, the petitioner has filed the present habeas corpus petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the mother of the alleged detenu. Since no action has been taken by the respondent to secure her daughter, she has filed the present habeas corpus petition.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner is the mother of the detenu Udhayathachayini, aged about 22 years and she got married to one Mathankumar, S/o.Ramu, aged about 28 years. It is an inter-caste marriage. The petitioner belongs to a Backward community and Mathankumar belongs to Scheduled caste



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community and on their request members of a political party had helped them in their marriage. Fearing harm from the petitioner and her family members, the couple had approached the respondent police and had given a complaint seeking protection. While so, enraged by her daughter marrying a person from the Scheduled Caste community and the political party giving protection to them the petitioner along with her family members and their henchman on 14.06.2024 had gone to the party office and assaulted the party men and ransacked the entire office and caused damage to the tune of Rs.5,00,000/- (Rupees Five Lakhs only). Based on the complaint given by one Sudalairaj, the Executive Committee Member of the party, a case in Cr.No.273 of 2024 has been registered against the petitioner, her family members and their henchman for the offences under Sections 147, 448, 294(b), 323, 353, 109, 506(i) IPC and Section 3 of TNPPDL Act and Section 4 of TNPHW Act.

5. The petitioner along with her family members were arrested and produced before the Court and later enlarged on bail. The petitioner who is well aware of the inter caste marriage of her daughter and the subsequent development had in order to circumvent the process has filed the Habeas Corpus



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Petition suppressing several facts which are known to her. The alleged detainee and her husband fearing threat to their lives are hiding themselves and the respondent police are taking steps to give protection to them.

6. Heard the learned counsel appearing on either side and perused the materials on record.

7. The petitioner is the mother of the alleged detainee. It is now represented that her daughter who is aged about 22 years is married person belonging to a different community with the help of member of political party and they have given protection to them. The couples have also given complaint seeking protection from the petitioner and her family members. Being enraged by the same the petitioner and her family members have gone to the extent of causing damage to the party office. The petitioner has now come out with Habeus Corpus Petition feigning with ignorance of all facts.

8. We are of the opinion that the petitioner by suppression of facts had attempted to abuse the process of this Court by filing an ill motivated and



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malicious petition. We hereby impose a cost of Rs.10,000/- (Rupees Ten thousand only) on the petitioner which shall be paid to the Anbagam, Race Course Road, Madurai-625 002 and the receipt shall be produced before the Registry on or before 16.07.2024.

9. Post the matter on 19.07.2024 'for reporting compliance'.

[A.D.J.C., J.] [K.R.S., J.]
03.07.2024

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

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.
- 2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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