

H.C.P.(MD) No.921 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

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S.Kannika

... Petitioner/Mother of the detenue

-vs-

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Puthanatham Police Station,
Trichy District.

3.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy.

4.Sahul Hameed

5.The Muthavalli,
Masjide Noorul Hudha and Madrasa
(Regn.No.1307/2008),
No.36, Steel Thoppu,
Thennur, Trichy-17.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas directing the respondents 1 to 3 to produce the person or body of the detenu namely S.Sivapragathi, aged about 25 years, daughter of Shanmugam before this Court and set her at liberty.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.K.Dinesh Babu
1 to 3 Additional Public Prosecutor

For Respondent-4 : Mr.S.M.A.Jinnah

ORDER

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed by the mother of the detenu namely S.Sivapragathi, aged about 25 years, daughter of Shanmugam to produce her before this Court and set her at liberty.

2.Mr.M.Saravanan, learned counsel appearing for the Petitioner would argue that the detenu after completing her graduation, was working in a Panchayat Office as a Temporary Worker for some time and at that time, she had acquaintance with the fourth respondent. It is the submission of the learned counsel for the Petitioner that the fourth respondent is 50 years old man, who by brain-washing the detenu made her to convert into Islam and

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there was no possibility for the detenue to convert herself into Muslim religion, without the influence of the fourth respondent. It is also stated that in this regard, complaints have been given to the Official Respondents.

3.Mr.S.M.A.Jinnah, learned counsel appearing for the fourth respondent would state that the fourth respondent is nothing to do with the detenue and the detenue is admittedly an Engineering Graduate and the entire allegation made by the Petitioner are false. It is also stated that the Petitioner is holding the original certificates of the detenue and hence a complaint was lodged with the Trichy Police and an enquiry was also conducted.

4.The detenue as well as the Petitioner appeared before this Court through video conferencing from the Additional Public Prosecutor's Office and on enquiry, the detenue would state that she does not know the fourth respondent and she is now converted into Islam and residing in an Orphanage at Trichy.

5.In the light of the above statement made by the detenue, this Court is of the opinion that nothing survives for consideration in this Habea

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Corpus Petition and accordingly, the same stands dismissed. However, liberty is given to the Petitioner to work out her remedy in the manner known to law.

[M.K.K.S.,J.]

[T.K.,J.]

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Index : Yes / No

Internet : Yes / No

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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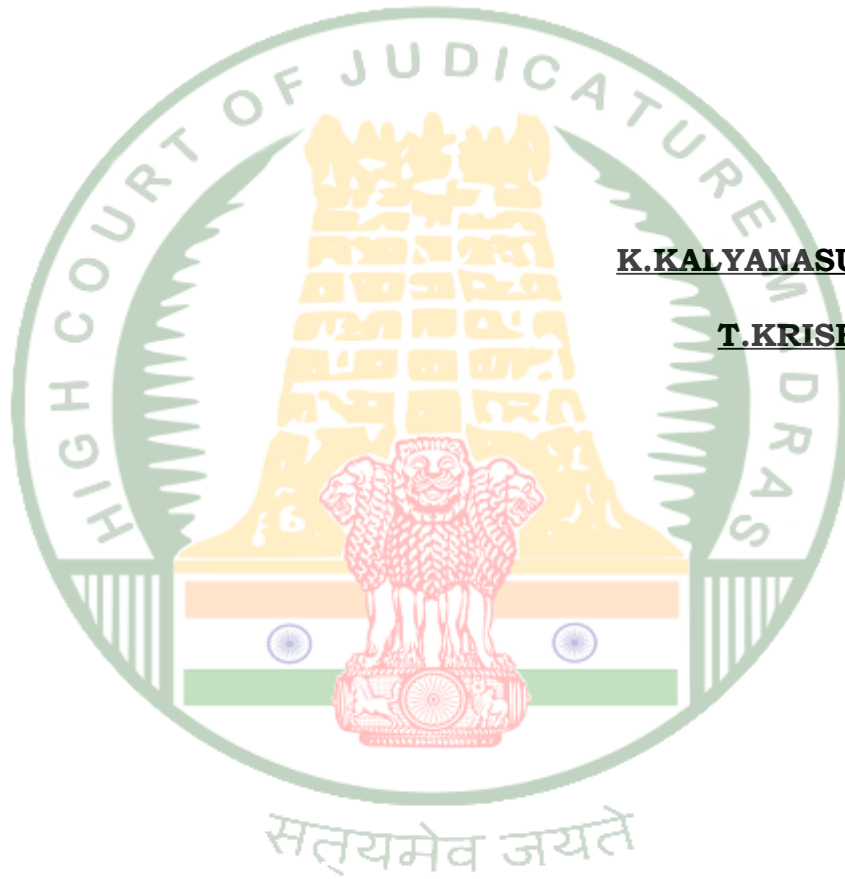
- 1.The Superintendent of Police,
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- 3.The Inspector of Police,
All Women Police Station,

4/6

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Cantonment, Trichy.

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

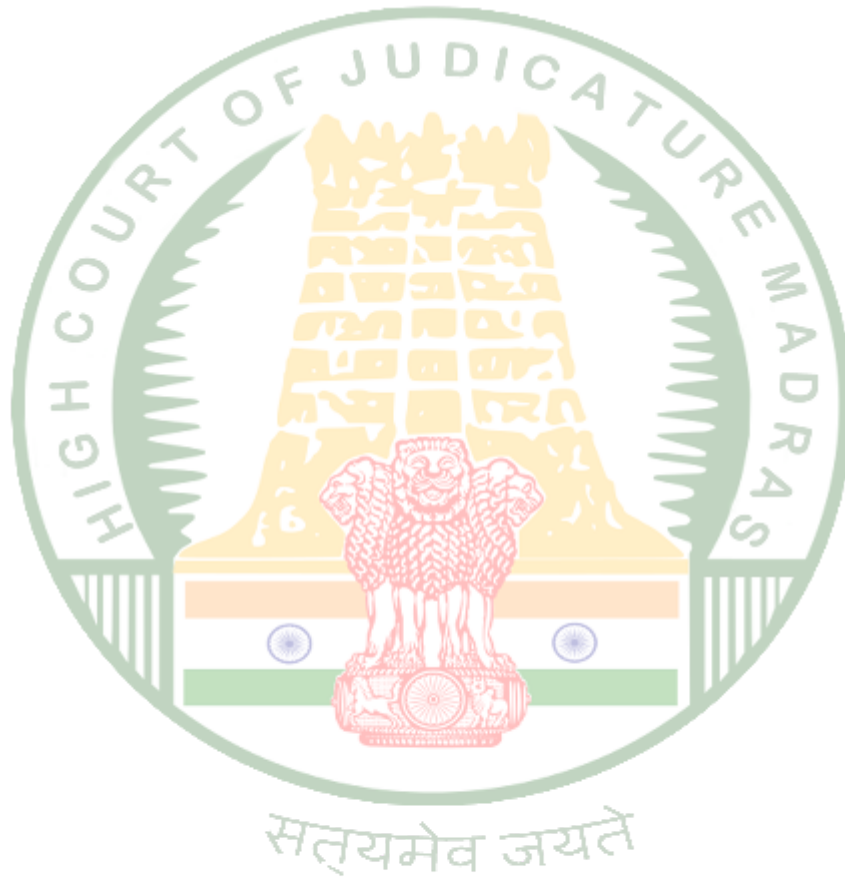


K.KALYANASUNDARAM, J.
and
T.KRISHNAVALLI, J.

vsn

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