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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
and  
THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.1246 of 2021

R.B.Jean Regina  
W/o.R.Balachandran

.. Petitioner

Vs.

- 1.The Commissioner of Police,  
No.132, Commissioner Office Building,  
EVK Sampath Road,  
Vepery, Periyamet,  
Chennai, Tamil Nadu - 600 007.
- 2.Deputy Commissioner,  
Washermenpet Office,  
New Washermenpet Police Station,  
Thiruvottiyur High Road, Vasantha Nagar,  
Chennai, Tamil Nadu.
- 3.The Inspector of Police,  
H3, Thondiarpet Police Station,  
608, Thiruvottiyur High Road,  
Korukkupet, Tondiarpet,  
Chennai, Tamil Nadu - 600 081.
- 4.Panneerselvam

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner's daughter R.B.Kivya Rose, aged about 18 years, before this Court from the custody of fourth respondent and set her at liberty.



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For Petitioner : Mr.P.Jesus Moris Ravi

For Respondents : Mr.R.Muniyapparaj  
Government Advocate [crl.side]  
[R1 to R3]

No Appearance for R4

ORDER

[Order of the Court was made by R.N.MANJULA, J]

This petition has been filed seeking a direction to the respondents to produce the petitioner's daughter R.B.Kivya Rose, aged about 18 years, before this Court from the custody of fourth respondent and set her at liberty.

2. On 16.08.2021, we passed the following order:

'It is the case of the petitioner that her daughter viz., R.B.Kivya Rose, aged about 18 years, is now under the illegal custody of the 4<sup>th</sup> respondent and that the police are not taking effective steps to secure her.

2. On instructions, the learned Government Advocate (Crl. Side) submitted that the police have not received any complaint from the petitioner so far in person.

3. Therefore, we direct the petitioner to go to the Tondiarpet Police Station in person and lodge a written complaint about the missing of her daughter. On such complaint being given, the Inspector of Police, H-3 Tondiarpet Police Station shall register a regular FIR for woman missing and take up the investigation of the case.

Post this matter on 31.08.2021.'

3. Today, Mr.S.Sankara Narayanan, Inspector of Police and Mr.Krishnasamy, Sub-Inspector of Police, H3 Tondiarpet Police Station, are present. They produced the detainee R.B.Kivya Rose before us.

4. When enquired by us, Kivya Rose stated that her date of birth is 17.09.2002 and she has completed 18 years of age and



she is studying B.Sc. (Psychology) (II year) in a city college. She further stated that her parents got separated several years before and therefore, she had a very turbulent childhood due to which, she came out on her own from her mother's house and she is presently residing at No.5, Pleasant Apartment, Taylor's Road, Kilpauk, Chennai - 600 010 and her mobile number is 93425 74864. She specifically stated that she is not in the illegal custody of anyone, especially, fourth respondent, as alleged by her mother.

5. In such view of the matter, the detinue Kivya Rose is not in the illegal custody of anyone warranting issuance of a Writ of Habeas Corpus.

Accordingly, the Habeas Corpus Petition is closed with liberty to the detinue Kivya Rose to chalk out her life.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Commissioner of Police,  
No.132, Commissioner Office Building,  
EVK Sampath Road,  
Vepery, Periyamet,  
Chennai, Tamil Nadu - 600 007.
- 2.The Deputy Commissioner,  
Washermenpet Office,  
New Washermenpet Police Station,  
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Chennai, Tamil Nadu.
- 3.The Inspector of Police,  
H3, Thondiarpet Police Station,  
608, Thiruvottiyur High Road,  
Korukkupet, Tondiarpet,  
Chennai, Tamil Nadu - 600 081.



4. Ms. R. B. Kivya Rose,  
No. 5, Pleasant Apartment,  
Taylor's Road, Kilpauk,  
Chennai - 600 010.

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5. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.1246 of 2021

JP-II(CO)  
SB(21/09/2021)