



HCP(MD)No.861 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.861 of 2023

K.Ravichandran

.. Petitioner

Vs.

The Inspector of Police,
Swamimalai Police Station,
Thanjavur District

.. Respondent

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondent herein to produce the body or person of the petitioner's daughter/detenué namely Jayalakshmi D/o.Ravichandran aged about 21 years before this Court and set her at liberty.

For Petitioner : Ms.A.S.Rajeswari
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor



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HCP(MD)No.861 of 2023

ORDER

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

The petitioner is the father of Jayalakshmi, born on 18.12.2002 and now, aged about 20 years. When she had gone missing on 09.06.2023, he had given a complaint before the respondent police, which was registered in Crime No.266/2023 dated 11.06.2023 under the caption, 'woman missing'. In this background, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was called, the second respondent had produced the petitioner's daughter Jayalakshmi before us, with whom, we had interacted. According to her, she is in love with one Manojkumar (born on 17.02.2003), aged about 20 years and therefore, she had left the parents and is now with him and his parents. As per her statement, she intends to get married to Manojkumar, for which, his parents have also approved. However, her parents are against such marriage and therefore, she seeks for protection also.



HCP(MD)No.861 of 2023

WEB COPY

3. The petitioner's daughter is a major and claims to be in love with Manojkumar and that she intends to get married to him. When a major girl has taken a conscious decision to live a life of her choice, this Court will not entertain the prayer of this nature in the present Habeas Corpus Petition and force a major girl to live with her parents.

4. In the complaint given by the petitioner, he had also stated that when his daughter had left them, she was wearing gold ornaments on her. In this regard, when we interacted with Jayalakshmi, she admitted that she wore some jewels, which she had handed over to the second respondent police, except a pair of earrings and ring, which she had handed over to a lady by name, Revathi of Pudukottai. She does not claim any ownership over the jewels and she expressed that it is open to her parents to take them back.

5. Ms.Y.Vimala Rani, Sub Inspector of Police, who is attached to the second respondent police and who is present before this Court has also affirmed that they are in receipt of the jewels and acknowledges that



HCP(MD)No.861 of 2023

Jayalakshmi had handed over the jewels to Mr.Sivasenthilkumar, the Inspector of Police, the respondent herein and it is in their custody.

6. In view of the decision of Ms.Jayalakshmi to live only with Manojkumar and his parents, the prayer sought for in the present Habeas Corpus Petition does not require consideration.

7. Insofar as the jewels are concerned, the Inspector of Police attached to the respondent police station shall ensure that the jewels are forthwith returned to the petitioner and a proper receipt of full and final satisfaction is obtained from them.

8. The petitioner's daughter Jayalakshmi now apprehends that some harm might be caused to her, Manojkumar and his parents from her parents and close relatives. We are of the view that the respondent herein, as well as the Inspector of Police, Ganesh Nagar Police Station, Pudukottai District could be directed to extend protection, whenever a representation in this regard is made by Ms.Jayalakshmi or Mr.Manojkumar.



HCP(MD)No.861 of 2023

9. In this regard, liberty is granted to Ms.Jayalakshmi to give an appropriate representation to the Inspector of Police, Ganesh Nagar Police Station, Pudukottai and the respondent police seeking for protection and whenever such representation is made, the concerned police shall extend the necessary protection to them. If necessary, Ms.Jayalakshmi is at liberty to approach this Court also for non compliance.

10. With the above observation and direction, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
07.08.2023

NCC :Yes / No

Internet : Yes

RR

To

1.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District

2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District

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



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HCP(MD)No.861 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

RR

H.C.P.(MD)No.861 of 2023

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