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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.11.2015
CORAM
THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P.(MD)No.1374 of 2015

V.Balu .. Petitioner

Vs.

1.The Superintendent of Police,
Madurai District, Madirai.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.

4.Muthupandi .. Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying to issue a Writ Order or Direction more particularly in the nature of writ of habeas corpus directing the respondents 1 to 3 to produce the detenue namely Murugeswari, daughter of the petitioner aged about 21 years, who is under illegal custody of the 4th respondent and produce her before this Court and set at her liberty.

For Petitioner : Mr.V.Thirumal

For RR – 1 to 3 : Mr.R.Ramachandran
Addl.Public Prosecutor
For R - 4 : No appearance

O R D E R

(Order of the Court was made by P.R.SHIVAKUMAR.,J.)

The petitioner has filed this Habeas Corpus Petition seeking a direction to the respondents 1 to 3 to secure and produce his daughter Murugeswari aged about 21 years, who, according to him, is under the illegal custody of the fourth respondent.

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2.Before filing the Habeas Corpus Petition the petitioner preferred a complaint on the file of Elumalai police station on 11.09.2015. Based on the said complaint, a case was registered in Crime

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No.139 of 2015 on the file of the said police station as a woman missing case. Pursuant to the registration of the case, the Sub Inspector of Police, Elumalai Police Station caused a public notice to be published with the photograph and other particulars of Murugeswari, the daughter of the petitioner.

3.On seeing the publication, both the fourth respondent and the alleged detenue Murugeswari, according to the police, appeared before the Deputy Commissioner of Police (L & O), Madurai City and informed him that they fell in love with each other and they got married on their own accord, as the parents were against the said marriage. Pursuant to their surrender before the Deputy Commissioner of Police (L & O), Madurai City, they were referred to the Inspector of Police, All Women Police Station, Tallakulam, Madurai City, namely, the third respondent herein.

4.The fact was intimated to the parents of Murugeswari and the fourth respondent and in their presence, both of them revealed the fact that they loved each other and they chose their way of life by getting married. As both of them were found to be majors and the girl was inclined to go with the fourth respondent and disinclined to go with the father, she was permitted to go along with the person at her choice. The said incident took place on 14.09.2015. Only thereafter, the petitioner has chosen to file the present Habeas Corpus Petition on 18.09.2015 even though the petition was prepared on 16.09.2015. Even before 16.09.2015 he met his daughter in All Women Police Station, Tallakulam, Madurai City and knew the above said facts. Still, for the reasons best known to the petitioner, the petitioner has chosen to file the present petition, which we think is not bona fide. Hence we come to the conclusion that the petition deserves to be dismissed.

5.Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub AssistantRegistrar

To

1.The Superintendent of Police,
Madurai District, Madirai.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Tallakulam,
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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Thirumal, Advocate Sr.No.66086

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