



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.[MD].No.1178 of 2016

S.Meera Mydeen

: Petitioner

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.

2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.

3. P.Thirumalai

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents to produce the body and person of the detenu, the petitioner's daughter named Benasir Kani, aged about 19 years before this Court and set her at liberty.

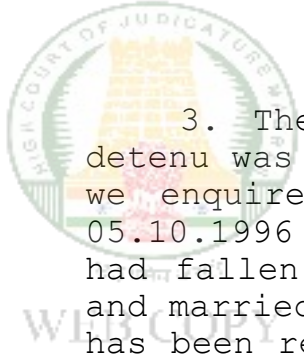
For Petitioner : Mr.R.Venkatesan,
For M/s.Right Law Associates
For Respondents 1&2 : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

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

The petitioner is the father of one Benasir Kani, aged 19 years. According to the petitioner, Benasir Kani (hereinafter referred to as "the detenu") has been found missing from 20.06.2016 onwards. The detenu was then doing B.Sc., (Zoology) Degree Course in a Private College at Dindigul. On a complaint made by the petitioner, the second respondent has registered a case. Since the detenu was not secured by the police, the petitioner has come up with this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices/> 2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State. We have also perused the records carefully.



3. The third respondent has not made appearance. Today, the detenu was produced before this Court by the second respondent. When we enquired the detenu, she told us that her date of birth is 05.10.1996 and now, she is 19 years old. She further stated that she had fallen in love with the third respondent, went along with him and married him in a temple on 11.04.2016 and from then onwards, she has been residing with the third respondent in Chennai. She further submitted that now she is 7 months pregnant out of the said wedlock. She further told that she would like to go only with her husband and to live with him. The said statement is recorded.

4. The learned Additional Public Prosecutor would submit that due intimation was given to the petitioner by the second respondent that the detenu has been secured by the police. But the petitioner has not made appearance before this Court today. The learned counsel for the petitioner has got no instruction from the petitioner also.

5. In view of the above submission made by the detenu, since we are satisfied that there is no illegal detention and since the detenu is a major, we are unable to grant the relief as prayed for. Accordingly, the Habeas Corpus Petition is dismissed, leaving it open for the detenu to choose her own way of life.

Sd/-
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.
2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO M/s.RIGHT LAW ASSOCIATES, ADVOCATE IN SR No. 64807

SML
TE/SS-2 : 11/11/2016 : 2P/5C

Order made in
H.C.P.[MD].No.1178 of 2016
Dated: 01.11.2016