



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

H.C.P. [MD]. No. 1467 of 2017

V. Murugesan

.. Petitioner

Vs.

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

2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

3. Suresh @ Fedal Chance

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 and 2 to herein to produce the body or person of the detainee namely Minor Vimala D/o. Murugesan, (Aged 17 years) before this Court and handover her custody to the petitioner.

For Petitioner : Mr. D. Srinivasaragavan

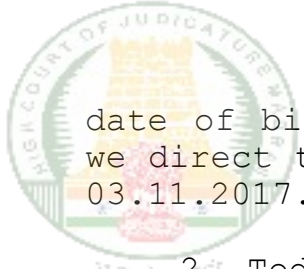
For respondents 1 & 2 : Mr. A. Ramar
Addl. Public Prosecutor

Mr. R. Karunanidhi for R3

ORDER

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

The petitioner is the mother of the detainee. Since the petitioner's daughter went missing, the petitioner lodged a complaint alleging that the third respondent had kidnapped her daughter. When the matter came up for hearing on 20.10.2017, the detainee was produced before this Court. When we enquired the detainee she stated that she is a major and her date of birth is 04.06.1999. In support of her contention she produced the school certificate. On the contrary, another certificate namely birth certificate was produced by the petitioner, mother of the detainee, by showing the



date of birth of the detainee as 04.10.2000. In such circumstances, we direct the respondent police to keep the detainee in the home till 03.11.2017.

2. Today, when the matter is came up for hearing, the detainee was produced before this Court. Since the detainee has expressed her willingness to go along with the petitioner, who is none other than her biological mother, nothing survives for adjudication in this petition and the detainee is permitted to go along with the petitioner. The petitioner also produced a letter of undertaking that they will take care of her daughter.

3. At this juncture, the learned counsel for the third respondent would submit that the petitioner's relatives are giving trouble to the third respondent and his family members and therefore a direction may be given to the respondent police to give protection.

4. Considering the above submission, this Court passed the following order. If the third respondent approaches the respondent police for protection stating that there is life threat, the respondent police shall consider his request. The Habeas Corpus Petition is closed with the above direction.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

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

2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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

+One cc to Mr. R. Karunanidhi, Advocate, SR.No.85335

jikr

RL/5C/2P/SV/MMS/SAR1/16/11/2017

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in

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