



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **22.12.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

WEB COPY THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

H.C.P.[MD].No.1839 of 2017

Kanagalakshmi

: Petitioner

Vs.

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

2. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District, Madurai.

3. Shanmugathai

4. Rajperumal

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure the detenu, namely, Adhimeenakshi, D/o.Muthugopalakrishnan, who is the petitioner's minor daughter, aged about 11 years, from the illegal custody of the respondents 3 and 4 and to produce her before this Court and to hand over the detenu to the petitioner's custody.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents 1&2 : Mr.C.Ramesh

Additional Public Prosecutor

For Respondents 3&4 : Mr.R.Gandhi

O R D E R

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

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Adhimeenakshi, D/o.Muthugopalakrishnan, aged about 11 years, from the illegal custody of the respondents 3 and 4 and to produce her before this Court and to hand over the detenu to her.

2. According to the petitioner, the marriage between her and one Mr.Muthugopalakrishnan was solemnized on 08.06.2006. Due to the wedlock, a female child was born on 13.03.2007, who is



presently aged about 11 years, the detenu herein. The third respondent herein is the mother of the petitioner and the fourth respondent herein is the elder brother of the petitioner. On 18.11.2017, the fourth respondent came to the house of the petitioner and forcibly took away the detenu and detained her. In this regard, the petitioner made a complaint before the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu. When we enquired the detenu, she has refused to go along with her mother on the ground that the petitioner has been harassing the detenu. She has further stated that now she is comfortable with her grandmother and she is not willing to go along with the petitioner. The petitioner has also no objection for the detenu being sent along with the respondents 3 and 4. However, the petitioner has sought for visitation rights of the detenu.

4. In view of the above submission made by the detenu, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed, leaving it open to the petitioner to work out her remedy before the appropriate forum.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

NB

VB/KK/SAR3/17/01/2018/2P/4C

ORDER MADE IN
H.C.P. [MD] .No.1839 of 2017
22.12.2017