



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2017**

WEB COPY

CORAM:

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

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

H.C.P. [MD] .No.1195 of 2016

E.Vijayalakshmi : Petitioner

Vs.

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

2.The Inspector of Police,
Oomatchikulam Police Station,
Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the detainee or her corpus, namely Nirosha, D/o.Esakkimuthu, aged about 25 years, before this Court and set her at liberty forthwith.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

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 detainee viz., Nirosha, D/o.Esakkimuthu, aged about 25 years, stating that the detainee is a B.E. Graduate and has got job at Abudhabi, Dubai and she was working at Dubai for the past one year and she came to India on 11.08.2016 and on 20.08.2016, she left the home by saying that she wants to go to Dubai. But, she did not go to Dubai, as stated and thereafter, the petitioner came to know that one Ansar Momien, who is a resident of Maharashtra, called upon her daughter and due to that, there was a dispute between him and the detainee. Therefore, suspecting Ansar Momien, the petitioner lodged a complaint to the second respondent on 23.08.2016. Since no action was taken to trace out the detainee



so far, the petitioner is before this Court with this petition.

2. Today when the matter was taken up for consideration, the second respondent filed a status report, stating that based on the complaint given by the petitioner, a case was registered in Crime No.194 of 2016 as 'woman missing' and after registering the case, the respondent police enquired the witnesses and sent a requisition to the Manager, Jet Airways, Madurai and got a reply that the detainee had travelled by Jet Airways from Madurai to Chennai on 20.08.2016 and got down in Chennai and was not aboard the Dubai flight from Chennai. On further investigation, it came to light that the detainee fell in love with one Ansar Momien, who is also working at Dubai with the detainee and she went to Maharashtra. Based on the said information, one Sub Inspector of Police, namely Suresh and Head Constable, namely Antony Immanuel were deputed to visit the place of Ansar Momien to enquire about the detainee and they got information that the detainee got married to Ansar Momien and both of them were living at Pune. To prove the factum of marriage, the second respondent has also produced marriage photographs of the detainee with Ansar Momien.

3. In view of the status report filed by the second respondent, we are of the opinion that since the detainee is a major, aged about 25 years, we close the Habeas Corpus Petition leaving it open to the detainee to lead her own way of life.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

**Order made in
H.C.P. [MD] .No.1195 of 2016**

Dated: 10.02.2017