



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P (MD) No.123 of 2018

M.Bhuvaneswari

... Petitioner

-vs-

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

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body or person of the petitioner daughter/detenu, namely, Nithya, D/o Murugesan, (aged 20 years) before this Honourable Court and set her at liberty

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Dinesh Babu
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by S.VIMALA, J]

This petition has been filed by mother, seeking direction to the respondents 1 & 2 to produce her daughter / detenu, namely, Nithya, D/o Murugesan, aged 20 years before this Court and set her at liberty.

2. According to the petitioner, her daughter, upon completion of her 10th standard, did not continue her studies further and on 07.02.2017, she went to attend a function at her friend's house and thereafter, she did not return home. It is alleged that one Mani developed friendship with her daughter and the petitioner suspected that he would have kidnapped her daughter. Narrating all these facts, she preferred a complaint before the 2nd respondent for



securing her daughter and since there was no effective steps taken on her complaint, she is before this Court, seeking for the above direction.

3. The learned Additional Public Prosecutor has produced the detenu through the respondent police and the petitioner / mother of the detenu is also present before this Court.

4. On being enquired with the detenu, she has stated that she has not been abducted by anyone and she had left her parental home on her own volition. She has further stated that she already married one Manimaran.

5. The person by name Manimaran (not a party to this petition) whom the detenu is stated to have married is present and on enquiry, he has accepted his marriage with the detenu on 10.12.2017 at Mariamman Kovil, Tiruppur and both of them are working there itself.

6. At this juncture, the petitioner / mother has expressed that she is willing to have the custody of both of them along with her and the detenu would state that she may be set at liberty to take a decision after consulting her husband.

7. Under such circumstances, considering the fact that the detenu is major, having attained the age of 20, that she already married one Manimaran and also the fact the petitioner is ready to accept the marriage and decided to take them to her home, after recording the statement of mother, the detenu is set at liberty to act as per her own wish.

8. The Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

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

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

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

H.C.P(MD) No.123 of 2018

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