



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

WEB COPY

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

H.C.P(MD) No.230 of 2018

Dhanalakshmi

... Petitioner

-vs-

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.

3.Raj Kumar

... 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 respondents to produce body or person of detenu / petitioner's daughter, namely, Meenatchi, D/o. Krishnamoorthy, aged about 19 years, before this Honourable court and set her at liberty.

For Petitioner : Mr.N.Mohideen Basha

For R1 & R2 : Mr.R.Anandha Raj
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 to produce her daughter / detenu, namely, Meenatchi, D/o. Krishnamoorthy, aged about 19 years, before this Honourable court and set her at liberty.

2. According to the petitioner, her daughter is doing her second year nursing course at Apollo Nursing College, Nagamalai Puthukottai and from 04.12.2017 onwards, she was found missing. Apprehending that the third respondent would have kidnapped her



daughter, she has lodged a complaint with the 2nd respondent police for securing her daughter. Since there was no effective action 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 had not been abducted or kidnapped by anyone and she had left her parental home on her own volition. She has expressed that she may be set at liberty to choose her own way of living.

5. The effort taken by the petitioner / mother to persuade her daughter to come along with her ended in vain and was not fruitful and the detenu was very particular in sticking on to her earlier stand of setting her at liberty.

6. Under such circumstances, considering the fact that the detenu is major, having attained the age of 19 and also the fact that she is not inclined to accompany her mother, she is set at liberty to act as per her own wish. However, it is made clear that the third respondent is directed to ensure the safety of the detenu in the event of the detenu joining him.

7. The Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
S.S.Colony Police Station, Madurai District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

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RL/4C/2P/KK/SAR1/23/3/2018

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