



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

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

H.C.P(MD) No.1853 of 2017

Mariammal

... Petitioner

-vs-

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

2.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

3.Baby Rose Devi

... 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 1 & 2 herein to secure the detenu, namely, M.Tamilselvi, D/o.Mariappan, aged about 19 years and produce the body of the detenu before this Honourable Court and set her at liberty.

For Petitioner : Mr.R.J.Karthick

For R1 & R2 : Mr.S.Chandrasekar
Addl. Public Prosecutor

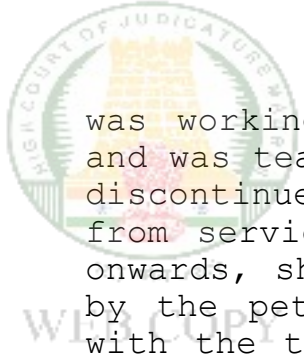
For R3 : No Appearance

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 herein to produce her daughter / detenu, namely, M.Tamilselvi, D/o.Mariappan, aged about 19 years before this Court and set her at liberty.

2. According to the petitioner, her daughter, while pursuing her B.Com course at A.K.D.Dharma Raja Women's College at Rajapalayam, developed a friendship with the third respondent, who



was working as Assistant Karate Teacher, allegedly a transgender and was teaching Karate to the detenu and subsequently, her daughter discontinued her studies and the third respondent was also dismissed from service by the College management. While so, from 26.09.2017 onwards, she was found missing and later, a phone call was received by the petitioner from her daughter stating that she is residing with the third respondent. Hence, a complaint was preferred before the 2nd respondent police and since there was no effective steps taken by the respondent police, she is before this Court.

3. When the matter was taken up for hearing on 05.01.2018, a status report along a C.D. has been filed by the 2nd respondent, in which it has been stated that the detenu has given a statement through letter to the effect that she had gone to Manipur along with the third respondent and clearly expressed her willingness to stay with the third respondent only. Since there was no clarity in the C.D., on 10.01.2018, this Court directed the respondent police to issue summons to the detenu and the third respondent for their appearance.

4. In pursuance of the said order dated 10.01.2018, the learned Additional Public Prosecutor has produced the detenu through the respondent police and the parents of the detenu are also present before this Court.

5. Three Police Officials, by name, Mr. Joseph Jetson (Inspector of Police), Mrs. V. Muthulakshmi (Sub-Inspector of Police) and Mr. Subbiah (Police Constable bearing No. 3185), who are all working in Sankarankovil Taluk Police Station, are present along with the detenu and they vividly explained their pain and suffering in securing the detenu. They have stated that when they went in search of the detenu to Manipur, she attempted to commit suicide, but, however, the detenu was saved and was brought to Tamil Nadu through Airways, by incurring their own expenses. The effort taken by the Police deserves appreciation and sincere efforts taken to save the detenu deserves a special mention and it is placed on record. The first respondent / Superintendent of Police is directed to reimburse all the expenses, including the flight charges, incurred by said Police Officials, irrespective of the cadre in which those three Officials were working.

6. On being enquired with the detenu, she has stated that she, being a major, has every liberty to choose her own way of living and at present, she is inclined to reside with the third respondent. The effort taken by the petitioner to persuade her daughter to come along with her also ended in vain and did not bring any fruitful result.

7. Under such circumstances, considering the fact that the detenu is major, having attained the age of 19 and also the fact that she is desirous to reside with the third respondent at Manipur, she is set at liberty to act as per her own wish.



8.The Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

/True Copy/

Sub Assistant Registrar

To:

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

+1cc to M/S.R.J.Karthick, Advocate SR.No. 52398

H.C.P(MD) No.1853 of 2017
28.02.2018

AR

JM/KK/SAR 1/26.03.2018/3P/5C