



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

H.C.P.(MD)No.1566 of 2018

Thirumalairaj

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

3. Samuvel

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the body or person of the detenu viz., Karhiga, D/o. Thirumalairaj, aged about 23 years, produce her before this Court and set her at liberty.

For Petitioner

: Mr.D.Venkatesh

For R1 & R2

: Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

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

The petitioner, who is the father of the detenu has come forward to file this Habeas Corpus Petition seeking production of her daughter viz., Karhiga before this Court from illegal custody of third respondent.

2. In the affidavit, it is averred that the petitioner's daughter viz., Karthiga / detenu aged about 23 years, is working as a Nurse at Rosemary Hospital, Vannarapettai, Tirunelveli. While so, from 07.10.2018, she was found missing. Therefore, the petitioner lodged a complaint before the second respondent police. Though the petitioner made a specific allegation against the third respondent, the second respondent did not take any action against him.



Therefore, the petitioner has filed the present Habeas Corpus Petition.

3. When the matter is taken up for consideration today, the respondent police has produced the detenu viz., Karthiga. On our enquiry, the detenu viz., Karthiga has stated that on her own volition, she went along with the third respondent and married him and she has also expressed her willing to go along with her husband, the third respondent herein.

4. On our enquiry, the mother of the detenu has stated that while leaving from the house, the detenu has taken away the jewels and cash and prayed this Court to direct the detenu to return the jewels and cash. But, this fact was denied by the detenu.

5. Since the detenu is a major, she is having liberty to take her own decision and since she has expressed her willingness to go with her husband, she is set at liberty to go along with her husband / the third respondent herein. Accordingly, the Habeas Corpus Petition is closed. This Court cannot adjudicate the dispute raised by the mother of the detenu and if the petitioner has any other dispute, he has to work out his remedy in the manner known to law before the appropriate forum.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS I)

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To

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

1CC TO MR. D. VENKATESH, ADVOCATE SR 96001

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28 12 2018