



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1741 of 2021

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Sasikala

... Petitioner /
Mother of the Detenu

Vs.

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

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Othakadai Sub Division,
Madurai District.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

4.The Inspector of Police,
Othakadai Police Station,
Madurai District.

5.The Inspector of Police,
Melur All Women Police Station,
Melur,
Madurai District.

6.Rajapandi

7.Periya Puliyan

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 to 5 to produce the person or body of the detenu, by name, Rajarathi, daughter of Pandi Manikandan, aged about 18 years before this Court and set her at liberty.



For Petitioner : Mr.R.Alagumani

For R1 to R5 : Mr.S.Ravi
Additional Public Prosecutor

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O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The present petition has been filed by the mother of the detainee contending that the respondents 6 and 7 had taken the illegal custody of her daughter Rajarathi. In this regard, the petitioner lodged a complaint before the fourth respondent police.

2.It is represented by the learned Additional Public Prosecutor that when the complaint was taken up by the respondent police, Rajarathi appeared before the police and gave a representation to the police stating that she is in love with one Rajapandi and she has gone to the house of Rajapandi on her own and nobody compelled her and she married him and has been living marital life. She further stated that she is not in illegal custody. He also produced the letter submitted by Rajarathi. The said letter is recorded.

3. It is represented by the learned counsel for the petitioner that the mother was called by the daughter, Rajarathi and she has expressed her willingness to go with her mother.

4. Since the petitioner's daughter, Rajarathi (DOB-12.09.2003) is major and not in illegal custody, it is open to her to decide either to stay with her mother or with her husband. Hence, we are not inclined to go into those aspects while deciding this Habeas Corpus Petition.

5. In view of the same, this Habeas Corpus Petition is dismissed.

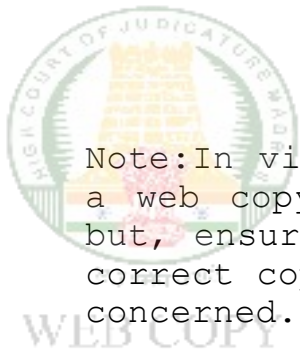
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Othakadai Sub Division,
Madurai District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.
- 4.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 5.The Inspector of Police,
Melur All Women Police Station,
Melur,
Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**H.C.P. (MD) No.1741 of 2021
23.11.2021**

RK(06/12/2021) 3P 7C