



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.656 of 2022

Subramanian

... Petitioner

-vs-

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

2.The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.
Cr.No.711 of 2021.

3.The Officer Incharge,
Swadhar Greh Womens Home,
No.12, Arulananthammal Nagar,
Thanjavur Town.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, to direct the second respondent herein to secure the detainee and produce the body or person of the detainee, namely Prasanthini, D/o.Subramanian, aged 25 years and produce the petitioner's daughter before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.N.Dilipkumar for Mr.R.Mathialagan
For R1 & R2	:	Mr.T.Senthil Kumar Additional Public Prosecutor

O R D E R

R. SUBRAMANIAN, J

AND

N. SATHISH KUMAR, J

This is a second Habeas Corpus Petition. Earlier, the petitioner moved this Court seeking production of the person of his daughter Prasanthini, aged about 25 years in H.C.P(MD)No.234 of 2022 and in that petition, detenu was secured and produced before us. She claimed before us that she was married one Balamurugan and does not want to go with her parents. Recording the statement, we dismissed the Habeas Corpus Petition. The present Habeas Corpus



Petition is filed seeking production of his daughter on the ground that the girl has been kidnaped.

2. Since the detinue herself has stated before this Court on the earlier occasion that she got married one Balamurugan, there is no question of illegal custody. It is now stated that the detinue wants to go with her parents. It is for her to decide. We are not here to monitor as to whether a lady lives with her husband or parents and it is not our duty under Article 226 of the Constitution of India. Hence, this Habeas Corpus Petition is dismissed with a cost of Rs.25,000/- payable to the Creche run by the Women Lawyer's Association attached to this Bench since we feel that it is abuse of jurisdiction under Article 226 of the Constitution of India.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.
- 3.The Officer Incharge,
Swadhar Greh Womens Home,
No.12, Arulananthammal Nagar, Thanjavur Town.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO

1. The Officer Incharge,
The Women Lawyer's Association,
Madurai Bench of Madras High Court, Madurai.

(payable to the Creche run by the Women Lawyer's Association
attached)

ORDER MADE IN

H.C.P. (MD) No.656 of 2022

28.04.2022

CK(CO)