



H.C.P.(MD) No.1138 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

H.C.P.(MD) No.1138 of 2022

Murugesan

... Petitioner

-VS-

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

2.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.

3.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the detainee namely Durga, aged 21 years, D/o. Murugesan, before this



H.C.P.(MD) No.1138 of 2022

WEB COURT Court and set her at liberty.

For Petitioner : Mr.E.Balasubramanian

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1 & R2

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the respondents 1 and 2 to produce the body or person of the petitioner's daughter / detenue viz., Durga, aged about 21 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Durga, aged about 21 years, went missing from 30.06.2022 and that she is in the illegal custody of the third respondent. Hence, the petitioner has filed the present habeas corpus petition with the above prayer.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Thiruchitrambalam Police Station Crime No.241 of 2022 has been registered on 02.07.2022 for 'woman missing'



H.C.P.(MD) No.1138 of 2022

WEB COPY

and during the course of investigation, it came to light that the petitioner's daughter Durga was in love with the third respondent and has eloped with him.

4. In such view of the matter, it cannot be stated that Durga is in the illegal custody of the third respondent herein for the issuance of a writ of habeas corpus.

5. Hence, this habeas corpus petition stands closed. However, we direct the Deputy Superintendent of Police, Pattukottai Subdivision, to supervise the investigation in Thiruchitrambalam Police Station Crime No.241 of 2022 and keep the petitioner informed of the developments, if any. As and when the detainee Durga, aged about 21 years, is secured, she shall be produced before the Judicial Magistrate Court, Peravurani, under intimation to the petitioner and learned Judicial Magistrate shall pass appropriate orders with regard to custody in accordance with law.

[P.N.P., J.] [R.H., J.]
15.07.2022

Index : Yes / No
Internet : Yes / No
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H.C.P.(MD) No.1138 of 2022

P.N.PRAKASH, J.
and
R.HEMALATHA, J.

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To:

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
- 3.The Judicial Magistrate Court,
Peravurani, Thanjavur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.(MD) No.1138 of 2022

15.07.2022