

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2022**

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1496 of 2022

Mayan

... Petitioner / Father of the Detenue

/Vs./

1.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai District.

2.The Inspector of Police,
S.S.Colony Police Station (L & O),
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the Respondents No.1 to 3 to produce the body or person of Petitioner's daughter namely M.Monika D/o.Mayan aged about 21 years before this Court and set her at liberty.

For Petitioner : Mr.M.Vivek Kumar
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This petition has been filed by the father of the detenu to produce the body of the detenu, who is aged about 21 years.

2. The learned Additional Public Prosecutor, on instructions, submitted that an earlier complaint was given by the petitioner and a girl missing FIR was registered in Crime No.1551 of 2022 by the S.S.Colony Police Station, Madurai.

3. Mr.Boominathan, S.S.Colony Police Station, Madurai, who is the Investigation Officer, was also present, when the matter was taken up for hearing. The closure report that was filed on 21.08.2022 was also produced before this Court.

4. It is seen from the same that the detenu had married one Muneeswaran and had gone along with him and she is living with him. Since the detenu is a major, the police were not in a position to pressurize to go and live with her father. Infact, there was an earlier complaint given before the All Women Police Station, Ramanathapuram and an enquiry was conducted in the complaint also and the enquiry report was also considered, when 'Action Dropped' report was filed in Crime No.1551 of 2022.

5. Pursuant to the above developments, the petitioner seems to have given one more complaint before the third respondent. Since the same was not acted upon, this Habeas Corpus Petition has been filed before this Court.

6. In the considered view of this Court, once an enquiry has been conducted by the police and they have ascertained that the detenu had married and is living with her husband, there cannot be repeated complaints on the same cause of action. Since a closure report has now been filed before the learned Judicial Magistrate No.V, Madurai, in Crime No.1551 of 2022, there shall be a direction to the second respondent to produce the girl

and her husband before the learned Judicial Magistrate No.V, Madurai. The learned Judicial Magistrate No.V, Madurai, shall record the statement of the girl and shall ascertain the wishes of the girl. The same shall form part of the closure report filed by the second respondent police. Beyond this direction, no further orders can be passed in this Habeas Corpus Petition.

7. This Habeas Corpus Petition is disposed of accordingly.

(J.N.B.,J.) (N.A.V.,J.)
23.09.2022

Index : Yes/No
Internet : Yes
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- 2.The Inspector of Police,
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Madurai District.
- 3.The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

HCP(MD)No.1496 of 2022

J. NISHA BANU,J.

and

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