



H.C.P.(MD)No.1633 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1633 of 2022

Sermathilaga

.. Petitioner

Vs.

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

2.The Inspector of Police,
Kulasekaranpattinam Police Station,
Thoothukudi District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to produce the person or body of the detenu by name Jeyamuthumeena, D/o.Sakthivel, Female, aged about 18 years before this Court and set her at liberty.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

J.NISHA BANU, J.
and
N.ANAND VENKATESH, J.

This Habeas Corpus Petition was filed by the mother of the detenu to secure her daughter, who went missing from 24.09.2022.



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2. When the matter came up for hearing on 29.09.2022, the learned Additional Public Prosecutor sought for some time to get instructions and report before this Court. Pursuant to the same, the matter is posted for hearing today.

3. The detenu named Jeyamuthumeena, was produced before this Court. We enquired her and she stated that she developed love affair with one Baskaran, who was also present before this Court. She stated that she had married the said Baskaran and she is now living with him and his parents at Avadi, Chennai. She made it clear that she wants to go along with Baskaran.

4. The learned Additional Public Prosecutor submitted that the date of birth of the detenu is 04.09.2004 and that she is now a major.

5. We also enquired Mr.Baskaran, who was present before this Court and he stated that he is working in a private concern and he takes care



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of the girl and his parents have also accepted their marriage. He further stated that he will not stand in the way of the detenu continuing with the B.Sc. Nursing course and that she can continue with the said course.

6. The petitioner, who was present before this Court stated that she lost her husband and that she is a daily wage earner and she had taken lot of efforts to bring up the detenu and to secure admission in B.Sc. Nursing course. The petitioner further stated that she is now living with her parents at Kulasekaranpattinam, Thoothukudi District and she is more concerned about the future of her daughter, who had discontinued her studies.

7. In the considered view of this Court, we cannot force the detenu to go along with the petitioner, since she is a major and she made it clear that she only wants to go along with the above said Baskaran. However, considering the undertaking given by the said Baskaran, we expect that the detenu will continue her B.Sc. Nursing course. That apart,



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whenever the petitioner visits the matrimonial home of her daughter, she must be given due respect and must be accepted, since she is none other than the mother of the detenu.

8. Accordingly, this Habeas Corpus Petition is disposed of.

(J.N.B.,J.) (N.A.V.,J.)
10.10.2022

Index : Yes/No
Internet : Yes
rm



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Kulasekaranpattinam Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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