



HCP(MD)No.1682 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2022

CORAM

The Honourable Mrs. Justice **J.NISHA BANU**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

H.C.P.(MD)No.1682 of 2022

Uma Rani

.. Petitioner /mother of
the detenue

Vs.

1.The Superintendent of Police,
Superintendent of Office
Trichy District

2.The Inspector of Police,
Vaathalai Police Station,
Kariyamaanikkam, Trichy District.

3.Ahith

4.Rajangam

5.Suseela

6.Siva

7.Logeshwari

.. Respondents



HCP(MD)No.1682 of 2022

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the 1st and 2nd respondents to produce the body or person of the detainee, the petitioner's daughter namely Rashika D/o.Murugesan aged about 19 years before this Court and set her at liberty.

For Petitioner : Mr.J.Saravanakumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

J.NISHA BANU, J.

and

N.ANAND VENKATESH, J

This petition has been filed by the mother of the detainee to produce the body of her daughter, who is said to be missing from 28.03.2022 onwards.

2.The learned Additional Public Prosecutor, on instructions from the second respondent, viz., Mr.R.Vijaygolden singh, Inspector of Police, submitted that the girl is aged about 19 years and she went missing from 28.03.2022 onwards. Based on the complaint given by the petitioner, an FIR came to be registered in Crime No.69/2022. In the course of



HCP(MD)No.1682 of 2022

investigation, the detinue was secured and she had been brought to the police station and the father of the detinue was also called to the police station. It seems that the detinue has a love affair and she was not willing to go along with her father, since she apprehended that her parents will forcibly marry her to somebody else. Accordingly, the detinue is said to be staying with her friend, who is the 7th respondent in this petition.

3. In the considered view of this Court, the detinue is a major and it is important to ascertain the wishes of the detinue. Hence, we deem it fit to direct the second respondent to produce the detinue before the Judicial Magistrate, Musiri. On the day when the detinue is produced before the Magistrate, the police shall also inform the parents about the same. They shall also be present before the learned Magistrate. The learned Magistrate shall record the statement of the detinue and the parents and act according to the wishes of the detinue. Based on the same, it is left open to the second respondent to take a decision in the pending FIR in Crime No.69/2022.



HCP(MD)No.1682 of 2022

WEB COPY

4. This Habeas Corpus Petition is disposed of with the above direction. No costs.

(J.N.B.,J.) (N.A.V.,J.)
13.10.2022

Internet : Yes

RR

To

- 1.The Superintendent of Police,
Superintendent of Office
Trichy District
- 2.The Inspector of Police,
Vaathalai Police Station,
Kariyamaanikkam, Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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HCP(MD)No.1682 of 2022

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and
N.ANAND VENKATESH, J.

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