



H.C.P.(MD) No.474 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.474 of 2023

Kaleeswari

... Petitioner / Mother of the Detenue

Vs.

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

2.State rep. by its, The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
(Crime No.99 of 2023)

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the person or body of the detenue, namely, M.Mohanapandi, S/o.Mariyappan (Son of the petitioner), aged about 20 years, before this Court and set him at liberty.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.RMS.Sethuraman,

Additional Public Prosecutor



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ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner, seeking production of her son, namely, M.Mohanapandi, aged about 20 years, has filed this Habeas Corpus Petition.

2.It is a case of the petitioner, who is the mother of the detinue, that from 28.03.2023 the detinue has been missing and therefore, a complaint has been given on 29.03.2023. Since the same has not been enquired and in order to find out the whereabouts of the detinue as he might have been in illegal custody at the hands of anyone, the petitioner has moved this Habeas Corpus Petition.

3.Mr.RMS.Sethuraman, learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the whereabouts of the detinue has already been found out and he eloped with a lady at Iyer Bungalow, Madurai and along with the said lady, he appeared before the 2nd respondent Police on 07.04.2023, where on intimation, the



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petitioner had also appeared and the detinue being major has given a clear statement on 07.04.2023 that he fell in love with the said lady, residing at Iyer Bungalow, Madurai and he wanted to live with her. Therefore, he did not want to go back to the parental home and accordingly, the statement dated 07.04.2023 given before the 2nd respondent had been recorded and has been produced before this Court along with photographs to establish that the detinue along with the said lady and his mother / petitioner herein appeared before the 2nd respondent and that the detinue had given the said statement.

4.Having gone through the statement given by the detinue, the detinue, being major, according to his own volition, can live with anyone and anywhere and therefore, it cannot be treated as illegal custody at the hands of anyone. Hence, we feel that this Habeas Corpus Petition can be closed, accordingly, it is closed.

(R.S.K., J.) & (K.K.R.K, J.)

12.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR



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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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