



H.C.P.(MD) No.503 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 25.04.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**H.C.P.(MD)No.503 of 2023**

Sahila Banu

... Petitioner / Mother of the Detenue

Vs.

1.The Superintendent of Police,  
Sivagangai District.

2.The Inspector of Police,  
Karaikudi South Police Station,  
Sivagangai District.

3.Saran

...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 detenue, namely, Syed Ali Fathima, D/o.Sidhi Abdul Kader, now aged about 19 years before this Court and set her at liberty.



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For Petitioner : Mr.D.Venkatesh  
For R1 and R2 : Mr.RMS.Sethuraman,  
Additional Public Prosecutor

### **ORDER**

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

The petitioner, seeking production of her daughter, namely, Syed Ali Fathima, aged about 19 years, has filed this Habeas Corpus Petition.

2.Today, when the matter is taken up for hearing, the learned Additional Public prosecutor, who takes notice on behalf of the official respondents, has stated that the whereabouts of the detainee has been found out ie., from Kanniyakumari and she has been brought to the 2<sup>nd</sup> respondent Police Station on 08.04.2023, where the detainee has given a statement, which has been recorded by the concerned Police and the same has been produced before this Court. According to the statement given by the detainee, she is 19 years old and she fell in love with the 3<sup>rd</sup> respondent with whom she wanted to marry. Therefore, both the 3<sup>rd</sup> respondent and the detainee had left the parental home on 03.04.2023 and went to Coimbatore



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on 04.04.2023. They claimed to have married at Kaliyamman Temple in Maruthamalai near Coimbatore. Thereafter, they left to Kanniyakumari, where they stayed in a friend's house between 04.04.2023 and 07.04.2023 and only at that time, the respondent Police has taken the detainee as well as the 3<sup>rd</sup> respondent and brought before the Police Station, where both the detainee as well as the 3<sup>rd</sup> respondent separately had given a statement, narrating the aforesaid episode.

3.The learned Additional Public Prosecutor for the official respondents has also produced a video clipping taken at the time of enquiry at the 2<sup>nd</sup> respondent Police Station with the detainee, where the petitioner ie., the mother of the detainee was also present and despite her appeal made to the detainee to return back along with the petitioner, the detainee is very affirm that she would not come back along with the petitioner and she wants to go along with the 3<sup>rd</sup> respondent to live happily.

4.When these evidences have been produced before this Court, on a perusal, this Court found that the detainee on her own volition left the parental home and claimed to have married the 3<sup>rd</sup> respondent. When that



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being so, it cannot be stated that she is in the illegal custody at the hands of anyone, including the 3<sup>rd</sup> respondent. Hence, recording the aforestated, we feel that this Habeas Corpus Petition can be closed, accordingly, it is closed.

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

**25.04.2023**

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

To

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



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**R.SURESH KUMAR, J.**

**AND**

**K.K.RAMAKRISHNAN, J.**

**MYR**

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