



H.C.P.(MD) No.538 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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Dhanalakshmi

... Petitioner

-VS-

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi-628 101,
Thoothukudi District.

2.The Inspector of Police,
Temple Police Station,
Tiruchendur-628 215,
Thoothukudi District.

3.Komu

4.Sankari

5.Balasubramanian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondent Nos.1 and 2 to produce the body or person of the detenue, namely, Bhuvaneshwari, D/o.Saravanan, aged about 23 years before this Court and set her at liberty.



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For Petitioner : Mr.S.Sankar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 & R2

ORDER

Heard the learned counsel on either side.

2. The petitioner is the mother of the detainee. The allegation of the petitioner is that her daughter, who is already married and who is the mother of a five years old child, has been brainwashed by the fifth respondent and taken away. The petitioner had given a complaint and a counter complaint has also been received.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that an enquiry was conducted and the matter has been closed.

4. Since the learned counsel for the petitioner raised certain apprehensions, we direct the second respondent to produce the detainee before the learned jurisdictional Magistrate. We are conscious that no FIR has been



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registered. The learned jurisdictional Magistrate will enquire the detenue and pass appropriate order based on the outcome of the said enquiry. This exercise shall be done as expeditiously as possible.

5. The second respondent will intimate the petitioner about the date and time of the production of the detenue before the learned jurisdictional Magistrate. It is open to the petitioner to place relevant materials before the learned jurisdictional Magistrate. We make it clear that the petitioner will not convert the occasion into a formal proceeding.

6. Accordingly, this habeas corpus petition stands disposed of.

[G.R.S., J.] [S.S.Y., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk / btr



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Madurai Bench of Madras High Court,
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