



HCP(MD)No.711 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.711 of 2023

M.Sethu

.. Petitioner

Vs.

1.The Commissioner,
Office of the Commissioner,
Madurai City,
Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai.

3.The Inspector of Police,
Y.Othakadai Police Station,
Madurai.

4.Mr.Murugan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person the petitioner's daughter by name S.Rajeshwari, aged



HCP(MD)No.711 of 2023

about 18 years before this Court and set her at liberty in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.N.Raja

For Respondents : Mr.RMS.Sethuraman,
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

On a complaint dated 14.02.2023, made by the petitioner to the second respondent herein, he had stated that his daughter had left his house in the first week of February 2023 and thereafter, she went missing and they could not find her. Based on the complaint, the respondents have registered an FIR in Crime No.81 of 2023, dated 15.06.2023. Since there was no further progress in the investigation and the petitioner's daughter could not be traced, the Habeas Corpus Petition has been filed.

2. On notice, the second respondent police have physically produced the petitioner's daughter before us. The parents of the girl were also present.



HCP(MD)No.711 of 2023

We had interacted with the petitioner's daughter, who stated that she left the house on her own will and choice, in order to live with one Azhaguraj to whom also she got married in the first week of April 2023. She further stated that she intends to continue living with her husband viz., Azhaguraj at his house. We also facilitated her parents to have a conversation with their daughter and had passed over the case for some time. At the end of the day, when the matter was called again, both the petitioner, as well as his daughter informed us that they have resolved their indifference among themselves and that the petitioner would permit his daughter to continue live with her husband.

3. Admittedly, the petitioner's daughter has crossed the age of 18 years and she is now living with the person of her own choice, after having married him. As such, the custody of the petitioner's daughter with that of Azhaguraja cannot be termed to be as illegal detention. Since the petitioner's daughter left the house of her own choice and is now living with Azhauraj, we do not intend to keep this Habeas Corpus Petition pending.



HCP(MD)No.711 of 2023

4. Accordingly, the Habeas Corpus Petition is closed.

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(M.S.R.,J.) (M.N.K.,J.)
03.07.2023

NCC : Yes / No

Index : Yes / No

vsm



HCP(MD)No.711 of 2023

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Madurai Bench of Madras High Court,
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HCP(MD)No.711 of 2023

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