



HCP(MD)No.766 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2023

CORAM

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

H.C.P.(MD)No.766 of 2023

C.Vijayakumar

.. Petitioner / Father of Detenue

Vs.

1.The State represented by
Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.Thirukumaran

4.Thirumurugan

.. 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 herein to produce the person or body or the detenue, Miss.Deepika Daughter of



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Vijayakumar, aged 20 years, illegally detained by the third respondent herein and set her at liberty.

For Petitioner : Mr.A.L.Kannan

For R-1 and R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner is the father of Deepika, who was born on 02.08.2003 and now aged about 20 years. The petitioner is employed at Dubai. When the petitioner's daughter had gone missing from the petitioner's house on 15.06.2023, a complaint was given to the second respondent Police on 17.06.2023 by her stepmother, Sathya, which was registered in Crime No.100/2023 dated 17.06.2023, under the caption “woman missing”. In this background, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was taken up for hearing, the second respondent herein had produced the petitioner's daughter before us. We had



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interacted with her and she expressed that she does not intend to live with her stepmother. She also stated that she is living with one Thiruselvi, who is residing at Kaliyappan Nagar, Karaikudi (Phone No.9786187077) and that she intends to pursue her career by herself.

3. The petitioner's daughter, who is a major, has expressed her views that she does not want to live with her stepmother. She has also volunteered and stated that she is living with one Thiruselvi on her own consent and willingness. While that being so, the present residence of the petitioner's daughter with Thiruselvi cannot be termed to be illegal and as such, no orders can be passed in the prayer sought for in the present Habeas Corpus petition. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
04.08.2023

NCC : Yes / No
Index : Yes / No
Lm



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To

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



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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