



HCP(MD)No.774 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.07.2023

CORAM

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

H.C.P.(MD)No.774 of 2023

T.Thiyagarajan

.. Petitioner /Father of the Detenue

Vs.

1.The Superintendent of Police,
District Police Office,
Karur,
Karur District.

2.The Deputy Superintendent of Police,
DSP Office,
Kulithalai Taluk,
Karur District.

3.The Inspector of Police,
Mayanoor Police Station,
Mayanoor,
Karur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents herein to produce the body or person of the detenu by name Monisha, daughter of Thiyyagarajan aged about 26 years and produce her before this Court and set her liberty.



HCP(MD)No.774 of 2023

For Petitioner : Mr.R.Sakthivel
For Respondents : Mr.R.M.S.Sethuraman
Additional Public Prosecutor

ORDER

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

The present petition is filed for issuance of a writ of Habeas Corpus to produce the person or body of the detinue, who is the daughter of the petitioner herein.

2. Admittedly, the daughter of the petitioner herein is aged about 26 years and in the affidavit filed in support of the present petition, there are no averments to the effect that the petitioner's daughter is in illegal custody of someone. On the other hand, the petitioner himself has stated that his daughter has eloped to stay with one Kavikumar @ Arul at Thiruvannamalai District. When there are no allegations that the petitioner's daughter is in illegal detention of someone, issuance of writ of Habeas Corpus may not arise.



HCP(MD)No.774 of 2023

3. Incidentally, the petitioner had also given a complaint to the third respondent Police, which has been registered in Crime No.197 of 2023 as woman missing. When the complaint has been registered, it is always open to the petitioner to pursue his rights on the complaint which is pending. In this background, we do not find any reason to entertain the present Habeas Corpus Petition.

4. Accordingly, this Habeas Corpus Petition is dismissed.

(M.S.R.,J.) (M.N.K.,J.)
04.07.2023

NCC : Yes
Index : Yes
Lm



HCP(MD)No.774 of 2023

To

WEB COPY

1. The Superintendent of Police,
District Police Office,
Karur,
Karur District.
2. The Deputy Superintendent of Police,
DSP Office,
Kulithalai Taluk,
Karur District.
3. The Inspector of Police,
Mayanoor Police Station,
Mayanoor,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.774 of 2023

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

Lm

H.C.P.(MD)No.774 of 2023

04.07.2023