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H.C.P.(MD)No.821 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.821 of 2023

Mariammal, W/o.Chelladurai

... Petitioner

vs.

1.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

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

3.Muthumaniyandi, S/o.Rekkai

... Respondents

Prayer :- Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body or person of the detainee Sundari, daughter of Chelladurai, aged 17 years (date of birth 16.09.2005), before this Court and hand over the custody of the detainee to the petitioner.

For Petitioner

: Mr.V.Kannan

For Respondents 1 and 2

: Mr.R.M.S.Sethuraman
Additional Public Prosecutor



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ORDER

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

This Habeas Corpus Petition has been filed directing the respondents 1 and 2 to secure and produce the body or person of the detenu Sundari, daughter of Chelladurai, aged 17 years (date of birth 16.09.2005), before this Court and hand over the custody of the detenu to the petitioner.

2. According to the petitioner, her daughter, who born on 16.09.2005, now, aged 17 years, went missing from her house on 25.05.2023. Therefore, she had given a complaint to the first respondent Police on the same day, but, the same was not registered or taken on file. After that, on 07.06.2023, she had received an information that her daughter was in the first respondent Police Station and accordingly, she secured her from there. Subsequently, the petitioner had left her daughter in her sister's house at Kooduvancheri on 08.06.2023. Thereafter, once again, the petitioner's daughter went missing from 13.06.2023 onwards. Hence, the petitioner lodged a complaint on 28.06.2023 stating that her daughter again missing from 13.06.2023 onwards and she was under the illegal custody of the third respondent. The said complaint was registered only on 06.07.2023 in Crime No.92 of 2023. Since there was not much progress in the investigation, the present Habeas Corpus Petition is filed.



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3. It is also stated that the third respondent had originally married a girl and subsequently, there was a second marriage with the transgender with whom he is living.

4. As directed by this Court, the first respondent herein has now produced the detainee namely, Sundari, daughter of Chelladurai, aged 17 years, before us. The petitioner was also physically present before us. We spoke to both the petitioner, as well as her minor daughter. We have also facilitated the petitioner to have a conversation with her minor daughter and accordingly, passed over the matter.

5. After some time, when the matter was called in the post lunch session, the petitioner's daughter/detainee stated that she intends to reconcile and live with the petitioner/mother at Subramaniapuram, Virudhunagar District. The petitioner is also willing to take back her daughter and live peacefully. Since the first respondent Police have already registered a complaint against the third respondent herein, they shall endeavour to complete the investigation as expeditiously as possible.

6. In view of the consensus taken by the petitioner as well as her daughter/detainee to live together, no further order is required in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is closed.

NCC : Yes / No

Index : Yes / No

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[M.S.R., J.]

[M.N.K., J.]

10.07.2023



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- 1.The Inspector of Police,
Maraneri Police Station,
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- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 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.

SMN2

ORDER MADE IN
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