



HCP (MD)No.841 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

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: Petitioner

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police Office,
Thoothukudi District

2.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District

3.Vaigundamani

4.Chithiraikani

: Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the respondent No.1 and 2 to produce the person or body of the detenu by name Henry, S/o.Thangaraj, male aged 23 years before this Court and set him at liberty.



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For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.RMS.Sethuraman for R1 & R2
Additional Public Prosecutor

ORDER

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

The petitioner seeks for production of the person or body of her son, namely Henry, aged 23 years, S/o.Thangaraj before this Court, since he had gone missing from 02.07.2023 onwards.

2. According to the petitioner, her son is in the custody of the respondents 3 and 4. Admittedly, the detenu herein is 23 years old. Today, when the Habeas Corpus Petition came up for admission, the learned Additional Public Prosecutor had produced both the petitioner's son as well as the daughter of the respondents 3 and 4, namely, Saraswathi, before this Court and stated that both the petitioner's son and the daughter of the respondents 3 and 4 got married at Arulmigu Tiruparankundram Murugan Koil on 03.06.2023. The learned Additional Public Prosecutor also submitted that they intend to live together in the house of the respondents 3 and 4. The respondents 3 and 4 have also accepted the marriage and have agreed that



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they will live in matrimony. Since the petitioner's son as well as the daughter of the respondents 3 and 4 are majors and have taken a conscious decision on their own free will and consent, the custody of the petitioner's son with the respondents 3 and 4 cannot be termed to be illegal one. Accordingly, this Habeas Corpus Petition is closed.

[M.S.R.,J] [M.N.K.,J]
11.07.2023

Index : Yes / No

Internet : Yes

RR

To

1.The Superintendent of Police,
Office of the Superintendent of Police Office,
Thoothukudi District

2.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District

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.

RR

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