



H.C.P(MD)No.843 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM :

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

H.C.P(MD)No.843 of 2023

Balamurugan

.. Petitioner

vs.

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

2.The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the 1st and 2nd respondents to secure and produce the person or body of the petitioner's daughter namely B.Pandilakshmi, D/o.Balamurugan, aged about 18 years, before this Court and set her at liberty.

For Petitioner : Mr.A.Manikandan

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



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ORDER

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[Order of the Court was made by M.S.RAMESH, J.]

The petitioner's daughter who was born on 01.07.2005 and had completed 18 years, went missing from her house on 05.07.2023. The petitioner had given a complaint to the second respondent Police on the same day. When his daughter could not be traced, the present Habeas Corpus Petition has been filed.

2. The second respondent herein during the investigation, has secured the petitioner's daughter and produced her before this Court along with one Sivabalan, S/o.Udhayakumar.

3. According to the learned Additional Public Prosecutor, the petitioner's daughter and Sivabalan had love affair and had married each other on 05.07.2023 at Veerakudi Sri Karaimurugan Temple near Narikudi, Virudhunagar District.



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4. We had spoken with the petitioner as well as his daughter and Sivabalan. The petitioner's daughter and Sivabalan expressed that they love each other and they intend to live together. When the petitioner's daughter being a major had taken a conscious decision on her own will and accord to live with her husband, this Court exercising its power under Article 226 of the Constitution of India will not be justified in considering the prayer sought for by the petitioner. As such, no further effective orders can be passed in the present petition.

5. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R., J.) (M.N.K., J.)
11.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

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- 2.The Sub Inspector of Police,
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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