



HCP(MD)No.856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2023

CORAM

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

H.C.P.(MD)No.856 of 2023

Rathinavel

.. Petitioner / Father of the  
Detenue

Vs.

1.The Commissioner of Police,  
Madurai City,  
Madurai.

2.The Inspector of Police,  
Sellur Police Station,  
Madurai City.

3.Velmurugan

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the first and second respondents to secure and produce the body or person of the petitioner's daughter by name Karthikaipriya aged about 19 years before this Court and set her at liberty.



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For Petitioner : Mr.C.Mayilvahana Rajendran  
For R-1 and R-2 : Mr.RMS.Sethuraman  
Additional Public Prosecutor

### **ORDER**

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

When the petitioner's daughter, namely, Karthikaipriya, born on 17.09.2004 and now aged about 19 years, went missing from her house, the petitioner/father had given a complaint before the second respondent Police, which was registered in Crime No.724 of 2023 dated 29.06.2023 under the caption “woman missing”. It is in this background, the present Habeas Corpus Petition has been filed.

2. The second respondent produced the petitioner's daughter before us. We had interacted with the petitioner's daughter, Karthikaipriya. According to her, the third respondent, who is her late mother's sister's husband, had forcibly and coercively approached her with sexual desires,



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which prompted her to leave the house. In this background, she had sought the help of a distant family member and was residing with him in Pollachi. However, owing to her mother's death anniversary, she had returned back to the petitioner's house and right now, she is residing with him.

3. The learned Additional Public Prosecutor submitted that the respondent Police has also registered a case against the third respondent herein in Crime No.724/2023 and that the petitioner's complaint in Crime No.724/2023 was altered into offences under Sections 354(A), 354(B) and 506(ii) IPC from woman missing case. It is also submitted that in connection with the alteration of the offences, the third respondent had surrendered before the learned Judicial Magistrate No.II, Madurai on 21.07.2023 and he has been remanded to Central Prison, Madurai.

4. During the course of interaction, Miss.Karthikaipriya also stated that she intends to stay with her father and then pursue her education also. We had also interacted with the petitioner and found that he is a Mason by profession on daily wages and that he has no basic educational



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qualifications. His financial status also is not satisfactory. We had taken a sympathetic approach in this regard and had suggested Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, to explore the possibility of any NGOs or other philanthropist persons, who might financially assist the petitioner's daughter to complete her graduation. Incidentally, the petitioner's daughter is undergoing third semester of B.A English at Madurai Kamaraj University, Madurai.

5. In the light of the above suggestions made by us, the learned Additional Public Prosecutor had stated that One Stop Centre for Women (OSC), Department of Social Welfare, Government of Tamil Nadu is empowered to financially assist cases of this nature. In this regard, Mrs.A.Amutha Rani, Senior Counsellor attached to the One Stop Centre for Women, Balarengapuram Government Hospital, Madurai, was also present before us. On her instructions, it is stated that if the petitioner or his daughter provides them with the details of the financial requirement for completion of her B.A English degree course, they would render the necessary financial assistance to enable the petitioner's daughter to complete



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her course. It is also her statement that they have identified a registered NGO, namely, M/s.Seed Plan, K.K.Nagar, Madurai, who had offered to render the said financial assistance.

6. We express our appreciation to Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, as well as Mrs.A.Amutha Rani, Senior Counsellor, for having taken such effective and efficacious steps to render financial assistance to a deserving family.

7. Now that Miss.Karthikaipriya has expressed her wishes to live with her father and a criminal case has also been registered against the third respondent and that he is now in judicial custody, we deem it proper that her wishes be continued and that she could stay with her father. Accordingly, Miss.Karthikaipriya is called upon to furnish the financial requirement of her college fees and other educational expenses for the third to sixth semester for B.A. English degree course at Madurai Kamaraj University, Madurai to One Stop Centre for Women (OSC), represented by Mrs.A.Amutha Rani, Senior Counsellor. We call upon Mrs.A.Amutha Rani,



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Senior Counsellor to render the necessary assistance to Miss.Karthikaipriya and ensure that her educational fees is released from M/s.Seed Plan, NGO, K.K.Nagar, Madurai, at the earliest, preferably before the deadlines fixed by Madurai Kamaraj University for receipt of such fees.

8. With the above observations, the Habeas Corpus Petition stands closed.

**(M.S.R.,J.) (M.N.K.,J.)**  
**07.08.2023**

NCC : Yes / No  
Index : Yes / No  
Lm

To

- 1.The Commissioner of Police,  
Madurai City,  
Madurai.
- 2.The Inspector of Police,  
Sellur Police Station,  
Madurai City.
- 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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