



HCP(MD)No.1109 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.09.2023

CORAM

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

H.C.P.(MD)No.1109 of 2023

Chennan

.. Petitioner / Father of the Detenue

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Dindigul District.
- 3.The Inspector of Police,
Vada Madurai Police Station,
Dindigul District.
- 4.The Sub Inspector of Police,
Vada Madurai Police Station,
Dindigul District.

5.Boomi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 to 3 to produce



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the person or body of the petitioner's daughter namely Mahalakshmi, 17 years old minor girl and handed over the custody to the petitioner.

For Petitioner : Mr.V.Muthumani

For R-1 to R-4 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner's daughter, born on 17.12.2006 and now aged about 17 years, who is undergoing her first year undergraduation at M.V.M. Arts and Science College, Dindigul, had gone missing from 09.08.2023. The petitioner's complaint to the third respondent Police was registered in Crime No.292 of 2023 under the caption “girl missing”. Since there was not much progress in the investigation thereafter, the petitioner had filed the present Habeas Corpus Petition.

2. Pending the Habeas Corpus Petition, the third respondent herein had secured the petitioner's daughter and produced her before us. We had



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interacted with the petitioner's daughter, who stated that since her father had coerced her to get married to a 37 years old man, she was constrained to leave the house. Further, she submitted that she is willing to live with her mother Parvathy and her elder brother Karuppasamy at Tiruppur. She also expressed that the petitioner might cause some harm to her in view of her leaving his house. We had also spoken to the girl's mother and elder brother. Both of them had willingly expressed that they would take care of the petitioner's daughter in their custody and give her all the necessary care and protection. They also ratified the statement of the girl that the petitioner had coerced her to get married to a 37 years old man.

3. In view of the statements made by the petitioner's daughter as well as her mother and elder brother, we are of the view that the custody of the petitioner's daughter can be given to her mother and elder brother. We also feel that since there is an apprehension of some disturbance from the petitioner towards his daughter and other family members, liberty could be granted to them to approach the jurisdictional Police Station, namely, Anupparpalayam Police Station, Tiruppur, seeking for necessary protection.



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4. In the light of the above developments, the custody of the petitioner's daughter, namely, Mahalakshmi, aged about 17 years, is hereby secured and handed over to her mother, Parvathy and her elder brother, Karuppasamy, who shall extend necessary care and protection to the girl and ensure that she continues her education. In case there is any apprehension of threat or other disturbance from the petitioner, liberty is hereby granted to the petitioner's daughter as well as her brother Karuppasamy and mother Parvathy to approach the Inspector of Police, Anupparpalayam Police Station, Tiruppur or other jurisdictional police, seeking for necessary protection. On receipt of such a representation, the concerned jurisdictional Police shall extend the necessary protection to them.

5. With the above liberty, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
26.09.2023

NCC : Yes / No
Index : Yes / No
Lm



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Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
M.NIRMAL KUMAR,J.

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