



HCP(MD)No.1164 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.09.2023

CORAM

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

H.C.P.(MD)No.1164 of 2023

S.Thirumalairaja

.. Petitioner

Vs.

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

2.The Inspector of Police,
S.S.colony Police Station,
Madurai City
Crime No.1219/2023

3.J.Rohith

4.Jeevanandham

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to secure the person or body of the petitioner's daughter Yogapriya, D/o.S.Thirumalairaja aged 18 years and produce her/body before this Court and set her at liberty.

For Petitioner : Mr.S.Sekar

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

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

When the petitioner's daughter Yogapriya, aged 19 years, who is pursuing 2nd year B.A. (Economics) at D.G.Vaishnav College, Chennai, had gone missing, his complaint came to be registered in Crime No.1219/2023 on 24.08.2023 under the caption, 'woman missing'. In this background, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was called, the second respondent had produced the petitioner's daughter through Video Conferencing. According to the girl, she is now in the office of her counsel at Chennai and she intends to stay with Rohith, S/o.Jeevanandham along with his parents at Chennai itself and continue her college education. The girl, being a major, has taken a conscious decision not to return to the petitioner, but to continue to live with Rohith and his family at Chennai, while that being so, the present prayer seeking for securing her and restoring her custody may not be feasible to be considered.



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3. At this juncture, the learned counsel for the petitioner submitted that since the girl was undergoing her Undergraduate course, while she went missing, the boy Rohith and his family members shall ensure that she continues her education. In this context, when we had asked the boy Rohith and his father, who were also present before us through Video conferencing, they would readily ensure that the petitioner's daughter would continue her education, for which, the petitioner's daughter stated that she requires all her original educational documents and testimonials to continue her education. The learned counsel for the petitioner, on instructions, submitted that they are willing to return her daughter's certificates and other educational testimonials, which is available with them. Accordingly, the petitioner is directed to return all the available educational and other testimonials to his daughter forthwith.

4. With the above direction, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
29.09.2023

NCC : Yes / No
Internet : Yes



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RR

To

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

2. The Inspector of Police,
S.S.colony 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.

RR

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