



*H.C.P(MD)No.1274 of 2023
and Crl.M.P(MD)No.15203 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.10.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

**H.C.P(MD)No.1274 of 2023
and Crl.M.P(MD)No.15203 of 2023**

B.Chandrakala,
W/o.Balakrishnan,
Government Hospital 1st Street,
Mudukulathur, Ramanathapuram District.

.. Petitioner

vs

1.The Superintendent of Police,
Ramanathapuram District.

2.The Sub-Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.

3.Prakashraj .. Respondents
(Petitioner's cause-title amended vide order dated
30.10.2023 in Crl.M.P(MD)No.15203 of 2023)

Prayer:- Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Habeas Corpus directing the
respondents 1 and 2 to secure and produce the person or body of the
petitioner's daughter namely Miss.Kaviya, aged 20 years,
D/o.Balakrishnan before this Court and set her at liberty.



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For Petitioner : Mr.J.Gavinsilvester
For Respondent Nos. 1 & 2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For Respondent No.3 : Mr.B.Vinoth Kumar

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, clarity and convenience].

2.This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.10.2023 which reads as follows:

'H.C.P.(MD)No.1274 of 2023

M.SUNDAR., J.

and

R.SAKTHIVEL., J.

O R D E R

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

When the matter was taken up, it was noticed



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that the HCP petitioner's address is given as Government Hospital, Mudukulathur, Tenkasi District in the short cause title, long cause title and in the representation dated 12.09.2023. It is averred that HCP petitioner is an agriculturist by avocation. It is also seen in paragraph No.3, that the date has been mentioned as 29.07.2013. It is submitted that it should be read as 29.07.2023. We expect adequate care and caution to be taken in such matters.

2. It is intriguing as to how the HCP was processed by the Registry.

3. However faced with the above position, learned counsel requests for a short accommodation to do a course correction and come before us.

4. List on 30.10.2023 under the caption 'ADJOURNED ADMISSION'.'

3.Pursuant to the aforementioned earlier proceedings, captioned CrI.M.P(MD)No.15203 of 2023 has been filed.

4.Suffice to say that address of HCP petitioner is Government Hospital, 1st street and that in paragraph 3, 29.07.2013 should read as 29.07.2023. Therefore, captioned CrI.M.P(MD)No. 15203 of 2023 being innocuous is allowed.



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5. Registry is directed to carry out necessary and consequential amendments in the case file before uploading this order/before furnishing certified copy of this order to anyone and the order in the main HCP.

6. Factual matrix in a nutshell is that the petitioner's daughter one Kaviya is the nucleus of the matter; that according to the petitioner, her daughter [petitioner's daughter shall hereon and henceforth be referred to as 'absentee' for the sake of convenience] is missing from 29.07.2023; that a complaint has been lodged with the jurisdictional police (Mudukulathur Police Station, Ramanathapuram District) on 30.07.2023; that captioned HCP has been filed fearing illegal detention/unlawful custody of absentee by third respondent (to be noted, third respondent is a private respondent).

7. Issue notice.



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8.Mr.R.Meenakshi Sundaram, learned State Additional

Public Prosecutor accepts notice for official respondents (respondents 1 and 2).

9.Mr.B.Vinoth Kumar [Enrolment No.300/2014, K.V.R

Complex Main Road, Samayanallur] learned counsel accepts notice for third respondent.

10.Today, Mr.J.Gavinsilvester, learned counsel for

petitioner, petitioner along with her spouse Thiru.Balakrishnan, third respondent and absentee are present in Court.

11.Learned Prosecutor is instructed by Ms.V.Sathya, Sub-

Inspector of Police, Mudukulathur Police Station, Ramanathapuram District.

12.This Court had an interaction with the absentee and the

following points came to light:



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'(i) Absentee is clearly a major, her date of birth being 29.06.2004;

(ii) Third respondent is also a major, his date of birth being 05.10.2000;

(iii) Absentee has married third respondent on 31.07.2023;

(iv) Absentee is clear that she wants to continue her marital tie with third respondent and live with third respondent.

(v) Though the petitioner's counsel submitted that absentee is being prevented from talking to HCP petitioner and her spouse (parents), the absentee made it clear that she is not under any compulsion, she is not under any fetters, much less fetters qua third respondent and she on her own volition/voluntarily (for the present) wants to avoid interaction with HCP petitioner and her spouse.'



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13.In the light of the narrative thus far, it comes to light that captioned HCP is not a matter of illegal detention or unlawful custody.

Therefore, we drop the curtains on the captioned HCP.

14.Captioned HCP is disposed of as closed capturing what unfurled in the hearing today.

(M.S.,J.) (R.S.V.,J.)
30.10.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

- 1.The Superintendent of Police,
Ramanathapuram District.
- 2.The Sub-Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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