



HCP(MD)No.1190 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

H.C.P.(MD)No.1190 of 2023

J.Petrishiya

: Petitioner

Vs.

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

2.The Inspector of Police,
Thirukkatupalli Police Station,
Thanjavur District.

3.Baskar

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondent Nos.1 and 2 to produce the body or person of the petitioner's minor daughter namely J.Johnsy Deepika, D/o.John Bosco (Detenu) aged about 17 years, before this Court and hand over the custody to the petitioner.



HCP(MD)No.1190 of 2023

For Petitioner : Mr.A.Arun Prasad
For Respondents : Mr.R.Meenkashi Sundaram,
Addl. Public Prosecutor.

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' [HCP' for brevity].

2. Factual matrix in a nutshell is that HCP petitioner's daughter is one 'xxxxx' [we are masking the name and we shall be referring to her as 'absentee' for obvious reasons]; that the absentee is studying First Year Nursing Course in a private College; that on 16.09.2023, she went to College (as is the routine) but she was taken away by the third respondent, is the complaint of HCP petitioner; that HCP petitioner lodged a complaint with the jurisdictional police station ie., Thirukkattuppalli Police Station, Thanjavur District; that this complaint dated 17.09.2023 was taken on file vide Crime No.298 of 2023 and an FIR was registered on 18.09.2023 [girl



HCP(MD)No.1190 of 2023

missing]; that alleging illegal detention by third respondent, captioned HCP was filed in this Court on 25.09.2023; that it was listed in the Admission Board on 29.09.2023 before the predecessor Hon'ble Division Bench, when learned Additional Public Prosecutor accepted notice.

3. Today, Mr.A.Arun Prasad, learned counsel for petitioner, petitioner, Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor for respondents 1 and 2, instructed by Mr.Jayakumar, Inspector of Police, Thirukkattupalli Police Station, and absentee are before us.

4. This Court is informed by learned State Additional Public Prosecutor that third respondent has since been secured, offence provisions have been altered and he has been remanded to judicial custody.

5. This Bench had interaction with the absentee and thereafter, this Bench had an interaction with the petitioner also. The following position emerges from the interactions:

1. the absentee is a minor as of today, having been born in the second half of October of 2005;



HCP(MD)No.1190 of 2023

WEB COPY

2. the absentee now wants to go with the HCP petitioner ie., her mother;

3. HCP petitioner says that she will be a good care giver and take good and adequate care of the absentee; and

4. absentee says that she would like to pursue her education.

6. In the light of the narrative thus far, captioned habeas legal drill comes to a conclusion and we drop the curtains on the habeas legal drill saying that absentee will now go with HCP petitioner ie., her mother and other proceedings will proceed in accordance with law and on their own merits.

7. Though obvious we make it clear that all the rights and contentions of the third respondent and or anyone else concerned with this matter including the petitioner are preserved as regards connected collateral proceedings in other Court/s/Forum/Fora/Authority/Authorities.



HCP(MD)No.1190 of 2023

8. Captioned HCP is disposed of in the aforesaid manner with the aforesaid observations, capturing facts besides preservation of rights in the aforesaid manner.

[M.S.,J.] & [R.K.M.,J.]

06.10.2023

Neutral Citation : Yes
Index : Yes
vsm

To

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



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HCP(MD)No.1190 of 2023

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H.C.P.(MD)No.1190 of 2023

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