



**HCP(MD)No.1263 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 17.10.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.SUNDAR**

**and**

**THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**H.C.P.(MD)No.1263 of 2023**

Prema

: Petitioner

**Vs.**

1.The Superintendent of Police,  
Kanyakumari District.

2.The Inspector of Police,  
Kanyakumari Police Station,  
Kanyakumari District.

3.Mr.JohnRose

: Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body or person of the petitioner's daughter namely Lakshmi



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Devi @ Angelica, W/o.Malachilal, aged about 27 years before this Court  
and set her liberty.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.R.Meenakshi Sundaram,  
Addl. Public Prosecutor for R1 & R2  
Mr.J.Sankarapandian for detenu

### **ORDER**

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

Captioned 'Habeas Corpus Petition' ['HCP' for brevity] has been filed  
in this Court on 12.10.2023.

2. Factual matrix in a nutshell is that petitioner's daughter one  
Lakshmi Devi @ Angelica, aged 26 years [date of birth 20.07.1997] is  
married to one Malachilal, aged 32 years; that the HCP petitioner's counsel  
says that the marriage was solemnized in 2019; that the 'petitioner's  
daughter' shall hereinafter be referred to be as 'absentee' for the sake of  
convenience and brevity; that the absentee is missing from 23.09.2023, that



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is the case of the HCP petitioner that the absentee may have been illegally detained or may be in unlawful custody of the third respondent [third respondent is the private respondent] is the fear which has impelled the petitioner to file the captioned Habeas Corpus Petition; that in the Admission Board itself, the absentee voluntarily came before this Court and was represented by counsel.

3. When the matter was in the Admission Board, Mr.S.Ramasamy, learned counsel for petitioner reiterated the aforementioned facts and submitted that the fear of possible illegal detention by the third respondent is the crux of the captioned Habeas Corpus Petition.

4. Issue notice to official respondents.

5. Mr.R.Meenakshisundaram, learned State Additional Public Prosecutor accepts notice for official respondents.

6. In the aforesaid backdrop, Mr.J.Sankarapandian, [Enrollment No. 1556/2014] learned counsel with address for service at Plot No.373, East 4<sup>th</sup>



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Cross Street, K.K.Nagar, Madurai-625 020 along with Mr.M.Prabhakaran, Advocate [Enrollment No.3770/2014] with address for service at No.3, Ambethkar Street, Veerapuram – 603109, who are before us submit that they represent the absentee and they have presented the absentee in the Court. This Court had a brief interaction with the absentee and the following points emerged:

1) absentee says that she left home on 23.09.2023 on her own accord i.e., on her own volition voluntarily;

2) absentee says that she is not in illegal custody or she has not been unlawfully detained by any one much less the third respondent;

3) absentee says that she is now staying in Chennai along with her friend by name Vinothini and the address given by the absentee is as follows:

“Vinothini  
No.157/1, 6<sup>th</sup> Street,  
Anna Nagar,  
Chengalpattu,



Pin Code – 603 001

[Contact No.9597365327]

4) absentee says that there is marital discard with her spouse Malachilal and that at the moment she is not inclined to go back and continue marital type.

7. The aforementioned narrative which also captures what unfurled in the hearing makes it clear that this is not a case of illegal detention or unlawful custody much less by the third respondent as feared. We, therefore, drop the curtains on the captioned HCP but we make it clear that all the rights and contentions of the petitioner, absentee, absentee's spouse [third respondent, if the need arises] are preserved for any connected or collateral proceedings in any other Court/s/Forum/Fora/Authority/Authorities. If any other Court/s/Forum/Fora/Authority/Authorities are moved, it shall consider the matter on its own merits and in accordance with law untrammelled by this order which has been made only for the limited purpose of giving a closure to the habeas legal drill on hand.



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**8.** Captioned Habeas Corpus Petition is disposed of as closed with the  
aforementioned observations and preservation of rights in the aforesaid  
manner. There shall be no order as to costs.

**[M.S.,J.] & [R.S.V.,J.]**

**17.10.2023**

Neutral Citation : Yes/No  
Index : Yes/No  
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To

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



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**M.SUNDAR, J.**

**and**

**R.SAKTHIVEL, J.**

vsm

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