



H.C.P(MD)No.1277 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

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T.Mari

... Petitioner

vs.

1. The Superintendent of Police,
O/o. Superintendent of Police Office,
Surveyor Colony, Madurai District,
2. The Deputy Inspector of Police,
O/o. Deputy Inspector of Police Office,
Thirumangalam,
Madurai District.
3. The Inspector of Police,
Town Police Station,
Thirumangalam,
Madurai District.
4. Selvakumar
5. Anbuselvi
6. Viji
7. Balamurugan

... Respondents

Petition filed under Article 226 of the Constitution of India praying
for issuance of a Writ of Habeas Corpus, directing the respondents 1 to 3



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herein to produce the body or person of the petitioner's daughter namely Rajeswari D/o.Mari, aged about 27 years before this Court and set her at liberty.

For Petitioner : Mr.D.Balamuruga Pandi
For Respondent Nos.1 - 3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been presented in this Court on 13.10.2023.

2. Factual matrix in a nutshell is that the petitioner's daughter (Rajeswari, aged 27 years who shall hereinafter be referred to as 'absentee') was working as a typist in an Advocate's office; that fourth respondent who was a junior advocate in that office was friendly with the absentee; that the absentee and fourth respondent have made themselves scarce; that a representation dated 09.10.2023 in this regard was sent by the petitioner to respondents 1 to 3; that fifth respondent is fourth respondent's mother; that respondents 6 and 7 (according to learned counsel for petitioner) are friends of fourth respondent; that fearing



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unlawful detention by respondents 4 to 7, captioned HCP has been presented in this Court.

3. Mr.D.Balamuruga Pandi, learned counsel for HCP petitioner who is before this Court reiterated the aforementioned facts.

4. Issue notice to official respondents (respondents 1 to 3).

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepts notice for official respondents. Learned Prosecutor, on instructions (informed by Ms.A.Lakshmi Latha, Inspector of Police, Thirumangalam Town Police Station), submits that on investigation, it has come to light that it is not a case of illegal detention or unlawful custody. It is submitted by learned Prosecutor that the absentee has married the fourth respondent on 29.09.2023 and registration certificate from Sub Registrar, Dindigul, is available.

6. Considering the narrow scope, the main HCP was taken up in the Admission Board and we make the following order:

(i) The third respondent shall produce the absentee and fourth respondent before the learned 'Chief Judicial



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Magistrate', Madurai (hereinafter 'CJM' for the sake of convenience) within six weeks from today i.e., on or before 30.11.2023 with the prior intimation to the petitioner;

(ii) We request learned CJM to record the statements of the petitioner, fourth respondent and any other person deemed appropriate by the learned CJM;

(iii) The absentee is a major and she can take a call about whom she would go with and depending on her statement, she will go with/stay with fourth respondent or HCP petitioner as per her choice;

(iv) We are acutely conscious of the fact that we are disposing of the captioned HCP in the Admission Board and therefore, we make it clear that all the rights and contentions of respondents 4 to 7 as well as the petitioner are preserved for any other collateral or connected proceedings in any other Court/s/Forum/Fora/Authority/Authorities. If there are any other such proceedings, the concerned Court/s/Forum/Fora/Authority/Authorities shall proceed



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with the same on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of giving a closure to the habeas legal drill on hand.

7. Captioned HCP is disposed of in the aforementioned manner.

There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
19.10.2023

Index : No
Internet : Yes
Neutral Citation : No
PKN

To

1. The Superintendent of Police,
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Surveyor Colony, Madurai District,
2. The Deputy Inspector of Police,
O/o. Deputy Inspector of Police Office,
Thirumangalam,
Madurai District.
3. The Inspector of Police,
Town Police Station,
Thirumangalam, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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and
R.SAKTHIVEL, J.

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ORDER MADE IN
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19.10.2023