



HCP(MD)No.1294 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

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CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1294 of 2023

Balaguru

: Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.

3.Manikadan

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents herein to secure and produce the body or person of the detenu namely Sakana, D/o.Natarajan, aged about 17 years and 9 months who was illegally detained by the third respondent before this Court and hand over the custody of the detenu to the petitioner.



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For Petitioner : Mr.G.Vishnuram
For Respondents 1 & 2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] has been presented in this Court on 25.10.2023.

2.Factual matrix in a nut shell is that petitioner's sister XXX 17 years 9 months and a fortnight and odd days is missing from 19.10.2023; that on 22.10.2023 the petitioner lodged a complaint with Chatrakudi Police Station, Ramanathapuram District [to be noted, the Inspector of Police of this Police Station has been arrayed as second respondent]; that captioned HCP has been filed in this Court fearing abduction, unlawful custody / illegal detention by third respondent [to be noted third respondent is a private respondent]; that it is to be noted that petitioner's sister 'XXX' shall be referred to as 'absentee' for the sake of convenience; that absentee was born on January of 2006.



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3.Today, Mr.G.Vishnuram learned Counsel for HCP petitioner who is before us in the admission board reiterated the aforesaid facts and submitted that captioned HCP has been filed fearing abduction / illegal detention / unlawful custody *qua* absentee by third respondent.

4.Issue notice to official respondents.

5.Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepted notice for official respondents 1 and 2 and learned Prosecutor is instructed by Mr.Muneeswaran, Sub-Inspector of Police, Chatrakudi Police Station.

6.Learned Prosecutor submitted that absentee has been located and the absentee is before us.

7.This Court had an interaction with the absentee, petitioner, absentee's parents [both parents] and the following points emerged:

1) The absentee left home on her own volition voluntarily as she was admonished by her parents;

2) The absentee was neither abducted nor kept in unlawful custody by anyone much less the third respondent;



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3) The absentee was in Thiruppur and working there as she was admonished by her parents;

4) The absentee now says that she would go with her parents and petitioner who is her blood brother.

8.In the light of the narrative thus far, as it is not a case of illegal detention or unlawful custody we deem it appropriate to drop the curtains on the captioned HCP but we also deem it equally appropriate to make the following observations:

i) The absentee's parents and HCP petitioner shall be good care givers and they shall take care of the absentee without subjecting her to any ill-treatment or harassment;

ii) The absentee will become a major in 75 days from now. Thereafter, the absentee can make a choice of her own and can make a choice / exercise an option and the absentee shall not be put under any pressure in this regard;

iii) The jurisdictional police ie., Chatrakudi Police Station particularly the second respondent and the Sub-Inspector who instructed learned Prosecutor shall be live to the situation and ensure that absentee is not subjected to any difficulty;

iv) The absentee shall now go with the HCP petitioner and her parents.



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9. Curtains on the captioned HCP. Captioned HCP is disposed of as closed. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]
07.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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To

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



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
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