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HCP(MD)No.1306 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1306 of 2023

Ponnuthai

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

3.Maharaja

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing respondents 1 and 2 to produce the person or body of the petitioner's daughter namely Muthulakshmi, D/o.Balamurugan aged about 18 years and set her at liberty.

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For Petitioner : Mr.V.Malaiyendran
For Respondents 1&2 : 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 filed in this Court on 25.10.2023.

2.When the captioned HCP was listed before a Hon'ble Coordinate Division Bench in the vacation Court, notice was issued and learned Prosecutor accepted notice for the official respondents 1 and 2.

3.Factual matrix in a nut shell is, HCP petitioner's daughter (hereinafter absentee for the sake of convenience) is missing from 18.09.2023 is HCP petitioner's case. It is the further case of HCP petitioner that it is feared that absentee may have been illegally detained or that the absentee may be in unlawful custody of third respondent. The petitioner has lodged a complaint with the jurisdictional police station ie., Vilathikulam Police Station on 19.09.2023 and the same has been taken on file in Crime No. 169/2023 and FIR has been registered as 'woman missing'.



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4.Today, Mr.V.Malaiyendran, learned Counsel for petitioner, Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor for official respondents [respondents 1 and 2] instructed by Mr.N.Sundararaj, Sub-Inspector of Police, Vilathikulam Police Station and Ms.Prabhu learned Counsel for third respondent, third respondent and the absentee are present in Court.

5.This Court had interaction with the absentee, the third respondent and both absentee and third respondent together. The following points emerged from the interaction:

- a) The absentee voluntarily left home on her own volition;
- b) The absentee is not in illegal custody or unlawful custody of anyone much less the third respondent;
- c) The absentee and the third respondent have married and their marriage took place on 19.09.2023 in a temple in Kovilpatti;
- d) The absentee and third respondent say that they are happily married and that they are living in Bangalore;
- e) Both absentee and third respondent are majors. Dates of birth of absentee and third respondent are 09.09.2005 and 13.12.1998, respectively.



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6.In the light of what has been captured supra, we make the following order:

- i) This is not a case of illegal detention or unlawful custody;
- ii) It is open to the absentee and the third respondent to continue their matrimonial tie.

7.Captioned HCP is disposed of as closed capturing what transpired in the hearing today. There shall be no order as to costs.

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

08.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi 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
H.C.P.(MD)No.1306 of 2023

08.11.2023