



HCP(MD)No.1374 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1374 of 2023

Nagomi

: Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

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

3.B.Pavin

: 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 to produce the person or body of the detenu namely Jasmine aged 19 years, daughter of Late.Narayanan before this Hon'ble Court and set her at liberty.



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For Petitioner : Mr.B.Kumaresan for
Mr.S.Muniyandi

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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 02.11.2023.

2. Short facts are that the petitioner's daughter one Jasmine is 19 years old [date of birth 06.03.2004]; that according to HCP petitioner, her daughter Jasmine [hereinafter 'Jasmine' shall be referred to as 'absentee' for the sake of convenience and clarity] was missing about 6 months ago, she had gone away with the third respondent [to be noted, third respondent is a private respondent]; she came back but is missing from the College Hostel now; that HCP petitioner gave a complaint dated 22.09.2023 and the complaint was lodged in the jurisdictional police station ie., [To be noted, jurisdictional Police Station is the second respondent]; that this complaint



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was followed up with a representation dated 26.10.2023; that fearing illegal detention / unlawful custody of absentee by third respondent, captioned HCP has been filed.

3. Mr.B.Kumaresan, learned counsel representing Mr.S.Muniyandi, learned counsel on record for HCP petitioner advertng to the aforementioned facts submitted that it is feared that the absentee is in illegal custody / unlawful detention of third respondent.

4. Issue notice to official respondents.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepted notice for official respondents. Learned Additional Public Prosecutor instructed by Mr.A.Thirumurgan, Inspector of Police, Vadasery Police Station submitted that absentee has been located, absentee and third respondent are in Court.

6. This Bench had an interaction with the absentee and the following points emerged:



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a) absentee by her own volition voluntarily left her College Hostel and went with the third respondent;

b) the absentee was not abducted by any one much less by the third respondent;

c) the absentee is not in illegal detention or unlawful custody of any one much less the third respondent;

d) third respondent is also a major. To be noted, date of birth of third respondent is 22.07.2002 and is therefore, 21 years old now.

e) absentee has married the third respondent in a temple in Kanniyakumari District.

f) absentee wants to continue her marital tie with the third respondent; and



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g) absentee wants to go with the third respondent and

continue her marital tie with the third respondent.

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7. The narrative thus far makes it clear that this is not a case of illegal detention or unlawful custody. To be noted, absentee as well as the third respondent are majors and they have taken a decision on their own volition voluntarily.

8. Recording the aforementioned scenario that unfurled in the hearing today, captioned HCP is disposed of as closed. There shall be no order as to costs.

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

10.11.2023

Neutral Citation : Yes/No

Index : Yes/No

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M.SUNDAR, J.

and

R.SAKTHIVEL, J.

vsm

To

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

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