



H.C.P(MD)No.1500 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2023

Coram

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR. JUSTICE R.SAKTHIVEL

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Sekar

.. Petitioner

VS

**1.The Superintendent of Police,
Madurai District.**

**2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.**

3.Rajesh

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to produce the person or body of the petitioner's daughter detenu namely Bhuvaneswari, (aged about 23 years) D/o.Sekar before this Court and set her at liberty.



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For Petitioner : Mr.R.Udhayakumar

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Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] has been filed in this Court on 27.11.2023.

2.Factual matrix in a nutshell is that HCP petitioner's 23 years old daughter Bhuvaneswari (date of birth 08.07.2000) is believed to be unlawfully held and forcibly locked up in a dark room by third respondent (to be noted, third respondent is a private respondent); that HCP petitioner's daughter 'Bhuvaneswari' shall hereinafter be referred to as '*absentee*' for the sake of convenience and clarity; that it is the case of HCP petitioner that he was called over to Alanganallur Police Station on 16.09.2023 and informed that absentee has married third respondent; that thereafter on 26.10.2023, two unidentified persons barged into his house and informed him that absentee is being harassed by third respondent; that it is the case of HCP petitioner that it is suspected that third respondent and his family members have forcibly locked absentee



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in a dark room; that fearing illegal detention/unlawful custody of absentee by third respondent and his family members, captioned HCP has been filed.

3.Mr.R.Udhayakumar, learned counsel on record for HCP petitioner, who is before us, reiterated the aforesaid facts in the Admission Board.

4.Issue notice to official respondents.

5.Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepts notice for respondents 1 and 2.

6.Learned Prosecutor on instructions (instructed by Ms.R.Geetha, Inspector of Police, Alanganallur Police Station, Madurai) submits that third respondent has given a complaint in Alanganallur Police Station, Madurai District being complaint dated 16.09.2023 and C.S.R.No.549 of 2023 dated 16.09.2023 has been issued. Learned Prosecutor further submits that as regards 06.11.2023 complaint sent by



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post/mail by HCP petitioner, the same has been forwarded to second respondent by jurisdictional Deputy Superintendent of Police. Learned Prosecutor submits that both complaints were enquired into, HCP petitioner's wife (absentee's mother) Tmt.S.Vasanthi came over to the Police Station on 16.09.2023 itself and has given a statement in writing that she is aware that absentee is married to third respondent and that she and/or her family members will not be in any manner a hindrance for the martial tie or her continuing the marriage.

7.Be that as it may, absentee was produced in Court.

8.This Bench had an interaction with absentee. Mr.R.Udhayakumar, learned counsel for HCP petitioner also had an interaction with absentee. The following points emerged:

(i) Absentee is clearly a major, having been born on 08.07.2000 (23 years as of today);

(ii) Absentee is a B.Sc (Physics) Graduate [to be noted, HCP petitioner has mentioned that she has



WEB COPY (Physics) Graduate];

studied M.Sc but absentee says she is only a B.Sc

(iii) Absentee says that she voluntarily on her own volition married third respondent on 16.09.2023;

(iv) Absentee says in clear and categorical terms that she is living with third respondent as husband and wife and that she wants to continue marital tie and live with third respondent; and

(v) Absentee also submits that she is being threatened by HCP petitioner and his family members (to be noted, this is the complaint given by third respondent vide C.S.R.No.549 of 2023 dated 16.09.2023). We do not express any opinion on this statement for the present but we make it clear that jurisdictional police ie., second respondent Police Station shall be alive to the situation and take all efforts possible to avert anything untoward.



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9. In the light of narrative thus far, as it is not a case of illegal detention or unlawful custody, captioned HCP is disposed of as closed making it clear that it is open and free to absentee to go with third respondent and continue her marital tie.

10. Captioned HCP is disposed of in the aforesaid manner.

We refrain from imposing costs.

(M.S.,J.) (R.S.V.,J.)
01.12.2023

Index : Yes/No
Neutral Citation : Yes/No
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- To
- 1.The Superintendent of Police,
Madurai District.
 - 2.The Inspector of Police,
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Madurai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
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