



HCP(MD)No.1579 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1579 of 2023

G.Jeyalakshmi

: Petitioner

Vs.

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

2.The State Rep. By
The Inspector of Police,
Vikramalingam Police Station,
Vikramalingam,
Madurai District.

3.J.Kavish Kumar

: 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 body of the detenu or in person namely Ramsi, D/o.Ganesan, aged about 19 years and who is illegally detained under custody of the 3rd respondent before this Court and set her at liberty forthwith.

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For Petitioner : Ms.L.Juliet Caroline

For Respondents : Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor for R1 & R2

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 12.12.2023.

2. Factual matrix in a nutshell is that HCP petitioner's daughter one Ramsi. G was missing on 30.06.2023; that a police complaint in this regard was given; that HCP petitioner's daughter 'Ramsi.G' shall be referred to as 'absentee' for the sake of convenience and clarity; that three days later Sekanoorani police officials called the HCP petitioner; that absentee was also present in Sekanoorani Police Station; that HCP petitioner was informed that absentee would be marrying third respondent (to be noted, third respondent is a private respondent) and even according to HCP petitioner, third respondent is a major (20 years according to HCP petitioner); that nearly six months later, captioned HCP petition has been



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filed in this Court; that the absentee is not available in third respondent's residence is the basis on which HCP petition has been filed; that the fear that absentee may have been detained by third respondent is the basis of filing captioned HCP.

3. Today in the admission board hearing, Ms.L.Juliet Caroline, learned counsel on record for HCP petitioner reiterated the aforementioned facts.

4. Issue notice to official respondents.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepted notice for official respondents (respondents 1 and 2) and learned Prosecutor is instructed by Ms.Thilakarani, the Inspector of Police, Sekanoorani Police Station.

6. Learned Additional Public Prosecutor, on instructions submitted that the absentee is very much available in the third respondent address and she is present in Court.



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7. This Court had a brief interaction with the absentee and the following points emerged:

i) the absentee is clearly a major, her date of birth being 16.04.2004 (19 years);

ii) absentee says that she is living with the third respondent happily and she is residing along with the third respondent as his spouse in Poovarasampatti, Thirumangalam Taluk, Kinnimangalam, Madurai District;

iii) absentee has produced her Aadhar card to show that she is residing in the aforesaid address with her husband;

iv) on perusal of the Aadhar card, we find that the date of birth is 16.04.2004 and that absentee is in the aforesaid address;

v) absentee says that she has not been illegally detained or she has not been in unlawful custody;



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vi) absentee says that she has gone with the third respondent on her own volition voluntarily and she is not under any duress or coercion.

8. To be noted, HCP petitioner is present in Court and learned counsel for petitioner identified the absentee at the instance of HCP petitioner.

9. In the light of the narrative thus far, as it is not a case of illegal detention or unlawful custody, we drop the curtains on the captioned HCP making it clear that the absentee, who is a major is entitled to make her own choice and she therefore having made her own choice is free to continue as she is in the present manner.

10. Captioned HCP is disposed of as closed. There shall be no order as to costs.

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

18.12.2023

Neutral Citation : Yes
Index : Yes
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M.SUNDAR, J.

and

R.SAKTHIVEL, J.

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To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Vikramalingam Police Station,
Vikramalingam,
Madurai District.

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