



HCP(MD)No.1615 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

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CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1615 of 2023

S.Murugan

: Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Palani Chettipatti Police Station,
Theni District.

: 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 secure and produce the person or body of the detenu, ie., the daughter of the petitioner namely Vasuki, D/o.Murugan, aged about 34 years before this Court and set her at liberty.

For Petitioner : Mr.Mr.V.Devakumar
for Mr.V.S.Rishikesh

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



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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 20.12.2023.

2.The thumbnail sketch of facts is that the HCP petitioner's 34 year old daughter one Vasuki is missing and she shall hereinafter and henceforth be referred to as 'absentee' for the sake of convenience and clarity; that absentee is married to one Rajamani [marriage in the year 2008]; that absentee has a 14 year old daughter from her wedlock with Rajamani; that according to HCP petitioner there was marital discord between his daughter Vasuki and her spouse Rajamani; that according to HCP petitioner his son-in-law [Rajamani] contacted the HCP petitioner on 11.12.2023 and informed him that the absentee is missing from the matrimonial home since 06.45 a.m. that morning; that HCP petitioner sent complaints in this regard to both the respondents on 15.12.2023; that fearing illegal detention of absentee, captioned HCP has been filed.

3.Issue notice.



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4.Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor accepts notice for respondents [respondents 1 and 2] and learned Prosecutor is instructed by Mr.P.Saravana Kumar, Special Sub-Inspector of Police, Palanichettipatti Police Station, Theni District.

5.Learned Prosecutor submits on instructions that pursuant to 15.12.2023 complaint, investigation was kick started and the absentee has since been located. Learned Prosecutor submits that the absentee had gone away to one of her relatives's place in Medavakkam, Chennai and she has been located, brought back and she is now lodged in 'Manithaneyam' Home in Kodangipatti in Theni District. The HCP petitioner is not present in Court. However, learned Counsel for HCP petitioner submits that absentee's 14 year old daughter is now with the father ie., Rajamani. This submission is recorded.

6.Learned Prosecutor also submits on instructions that the absentee has expressed her desire to go with the HCP petitioner ie., her father.



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7.In the light of the narrative thus far, we direct the absentee to be produced before learned Chief Judicial Magistrate, Theni [hereinafter 'said CJM' for the sake of convenience] either this afternoon or on Tuesday [26.12.2023] with advance intimation to her spouse Rajamani and HCP petitioner.

8.Learned Counsel for HCP petitioner submits that HCP petitioner will go over to the Court of learned Chief Judicial Magistrate, Theni.

9.We request the learned said CJM to record the statements of absentee and / or anyone concerned with the matter. If the absentee wants to go with her father ie., HCP petitioner, she will do so. On the contrary, if the absentee wants to go to her matrimonial home with her spouse, this course will also be open to the absentee. However, her statement will be recorded by learned said CJM.

10.As regards the marital discord and the 14 year old minor child, we make it clear that all the rights and contentions of absentee, her spouse Rajamani, HCP petitioner and / or anyone concerned with the matter are preserved for being canvassed in any Court / Courts /



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Forum / Fora / Authority / Authorities, which shall deal with the matter on its own merits and in accordance with law untrammelled / uninfluenced by this HCP order.

11. Captioned HCP is disposed of in the aforesaid manner with the aforementioned directive, observations as above and preservation of rights in the aforementioned manner. There shall be no order as to costs.

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

22.12.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

MR

Post Script: (i) Upload forthwith.

(ii) Though captioned HCP has been disposed of by instant order, we requisition a report from the said CJM ie., Chief Judicial Magistrate, Theni, together with the statement recorded from the absentee and / or any other person concerned. We also requisition a report from the second respondent.

(iii) List under the caption 'FOR REPORT' on 16.02.2024.



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To

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Medical College Police Station,
Thanjavur District.
- 3.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur.
- 4.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.1615 of 2023

22.12.2023