



H.C.P.(MD).No.119 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD).No.119 of 2024

K.Mangaleswari

.. Petitioner/Mother of Detenue

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Mathichayam Police Station,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 & 2 to produce the body or person of the petitioner's daughter namely Deepa aged 33 years, D/o.Krishnan before this Court and set her at liberty.

For Petitioner : Mr.S.S.Sundarapandian

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The mother of one Deepa, aged about 33 years, is the petitioner herein. Alleging that her daughter Deepa had gone missing from 24.11.2023, deserting her husband and two children and her whereabouts are not known, the present Habeas Corpus Petition is filed after lodging a complaint to the respondent Police.

2. The learned Additional Public Prosecutor appearing for the respondents would submit that based on the petitioner's complaint, CSR was registered. On enquiry, it was found that due to family dispute, the said Deepa has left the family and has taken shelter in Holy Cross Social Centre, Paravai. He further submitted that the petitioner's daughter has given a statement that she is not interested in joining her family and has also made certain allegations against her husband, who, according to her, is an alcohol addict.



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3. The learned counsel for the petitioner submits that the petitioner's daughter has left two children and one of them is suffering from secondary complex and for the purpose of treatment, their mother, Deepa's presence is required.

4. Though it is a very pathetic case that the mother has deserted her own children, under Habeas Corpus Petition, we cannot compel her to join the family. Hence, nothing survives in this petition, as a concomitant, the Habeas Corpus Petition is closed with a direction to the respondent Police to assist the petitioner in getting necessary consent from the mother, Deepa, for the purpose of admitting her son, aged about 13 years, in the hospital.

(G.J.,J.) (C.K.,J.)
27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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2. The Inspector of Police,
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Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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