



H.C.P.(MD).No.317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2024

CORAM

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

H.C.P.(MD).No.317 of 2024

Sivasathya Gomathi

... Petitioner/Mother of the Detenue

Vs.

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

2.The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, by directing the Respondents 1 and 2 to produce the body or person of the petitioner's daughter namely Rahel Catherine Mary, daughter of Ravi aged about 25 years, before this Court and set her at liberty.



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For Petitioner : Mr.A.Joseph Jerry
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition is filed by the petitioner alleging that her daughter, Rahel Catherine Mary, aged about 25 years, had gone missing.

2. However, the respondent Police has secured the petitioner's daughter along with a boy, namely, Prasanth, aged about 20 years and produced them before this Court. The mother of the girl, who is the petitioner herein, is also present before this Court.

3. This Court interacted with both the petitioner's daughter and the said Prasanth separately. From the interaction, this Court finds that the petitioner's daughter has gone with the boy voluntarily and stayed with



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him. The petitioner's daughter, who is a post graduate in Computer Science and a diploma holder in Aeronautical course, had voluntarily gone with the boy and staying with him. Since she is a major and has taken a conscious decision on her own, whether it is a wise decision or not, this Court cannot give any opinion about the same, except to record that the girl is alive and has gone on her own with the boy. Therefore, the petitioner, though she is the mother of the girl, cannot claim that her daughter has been taken into illegal custody by the boy.

4. Hence, the Habeas Corpus Petition is dismissed.

(G.J.,J.) (C.K.,J.)
12.03.2024

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



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Sivagangai.

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



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