



H.C.P.(MD) No.497 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.497 of 2024

Muthulakshmi

... Petitioner

-vs-

1.The Commissioner of Police
Madurai City
Madurai

2.The State rep.by
The Inspector of Police
Sellur Police Station
Sellur, Madurai

... 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 the petitioner's daughter, namely, Ambika, daughter of Arumugam, aged about 24 years and produce her or her body before this Court and set her at liberty forthwith.



H.C.P.(MD) No.497 of 2024

WEB COPY

For Petitioner : Mr.J.Sankarapandian
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor
For Detenue : Mr.Praveen Kumar

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to secure her daughter, namely, Ambika, aged about 24 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that her younger daughter was given in marriage to one Karthick on 01.06.2023. Subsequently, after few months, due to illness, she came to the parental home and was staying with the petitioner. On 12.10.2023, the petitioner went for work and when she came back to home, she found her daughter missing. Since the petitioner was unable to find out her daughter, on 13.10.2023 she lodged a complaint before the respondent - Police. However, despite registration of a case in Crime No. 1269 of 2023 by the respondent Police under the caption "Woman Missing", no action has been taken thereafter to trace her daughter and thereby, she has filed this habeas corpus petition.



WEB COPY

H.C.P.(MD) No.497 of 2024

3. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that during the course of investigation, on coming to know about the complaint given by her mother, the detainee herself came to the Police Station. On enquiry, the detainee submitted that she was forced to marry one Karthick, who is a relative and since she was having some matrimonial disputes with her husband, she had gone away from the matrimonial home on her own volition and that she has also filed a petition for divorce, which is pending in H.M.O.P.No.270 of 2023 before the Sub Court, Melur.

4. The detainee is also present before this Court today. On enquiry, she submitted that she is aged 24 years and that she has completed B.Sc., D.Pharm., and that she was forced to marry one Karthick and due to matrimonial cruelty, she had left the matrimonial home on her own volition and she has filed a petition for divorce in H.M.O.P.No.270 of 2023, which is pending on the file of the Sub Court, Melur. She further submitted that she is not under the illegal detention of anyone and that she had left the matrimonial home on her own volition.



H.C.P.(MD) No.497 of 2024

WEB COPY

5. In view of the submission of the detinue that she is a major and she is not in illegal detention of anybody, no further adjudication is required in this habeas corpus petition and the same is, therefore, closed.

[A.D.J.C., J.]

[K.R.S., J.]

06.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Sellur Police Station,
Sellur, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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