



H.C.P.(MD) No.506 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM:

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

H.C.P.(MD) No.515 of 2024

Kaliswaran

... Petitioner

-VS-

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

2.The Inspector of Police,
Satur Police Station,
Sattur,
Virudhunagar District.

3.Athiyappan

4.Vijayalakshmi

5.A.Arun

... 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 person or



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body of the petitioner's daughter by name Rajeshwari, aged about 19 years before this Court and hand over to the petitioner.

For Petitioner :Mr.K.Neelamegam
For R1 & R2 :Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by father of the detenu seeking to produce the alleged detenu namely Rajeshwari, aged about 19 years before this Court and hand over to the petitioner.

2. The case of the petitioner is that on 12.03.2024 at about 7.00 p.m., when the petitioner and his wife were not at home, at the instigation of the respondents 3 & 4, some persons abducted his daughter from his house. The petitioner's wife immediately gave a complaint to the second respondent and after registering the CSR No.116/2024, the second respondent had found his daughter within three days and handed over to the petitioner. While so, on 09.04.2024



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again she was abducted by the respondents 3 to 5. Therefore, the petitioner has given a complaint to the second respondent on 10.04.2024 to secure his daughter. Since the respondents 1 & 2 have not taken any action, the petitioner has filed the present habeas corpus petition.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that the alleged detenu is aged about 19 years and she is studying B.Sc., Physics in PSR College, Sevalpatti. Earlier the petitioner had given a complaint that his daughter was abducted by the respondents 3 & 4, however, during the enquiry, the detenu had returned back and stating that due to some misunderstanding with the parents, she had left the home and went to Tiruchendur and now once again she was found missing. The preliminary enquiry reveals that the detenu is having affair with one Pandiselvam, who is the son of the respondents 3 & 4 and they have eloped from the home.

4. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 further submitted that based on the complaint given by the



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petitioner, a case has been registered in Cr.No.109/2024 under "Women Missing" and the respondents 1 & 2 are taking steps to trace the detenu and as and when they traced or secured the detenu it will be intimated to the petitioner.

5. In view of the above, this is the case of elopement for the second time. We find that the detenu is not in illegal detention of anybody. Therefore, this Habeas Corpus Petition is closed with a direction to the respondents 1 & 2 to continue with the investigation and as and when the detenu is traced or secured, it has to be informed to the petitioner.

[A.D.J.C., J.] [K.R.S., J.]
25.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Satur Police Station,
Sattur, Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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