



H.C.P(MD)No.735 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Ms.JUSTICE R.POORNIMA**

H.C.P.(MD) No.735 of 2024

Y.Abu Thahir

... Petitioner

Vs

* 1. The Commissioner of Police,
Madurai City.

* 2.The Deputy Commissioner of Police (South).
Madurai City.

3.The Superintendent of Police,
Trichirappalli District.

4.The Inspector of Police,
Thiruverambur Police Station,
Trichirappalli District,
in Crime No.209 of 2024.

5.Aravindan

6.Rajalakshmi

7.Subbaiah

* 8.The Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.



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(*R1,R2 are suo-motu impleaded and the ranks are rearranged as per order of their Court, dated 30.08.2024)

(*R8 is suo-motu impleaded as per order of their Court, dated 18.09.2024)

... 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 of person of the petitioner's daughter namely Shamila, D/o.Abu Thahir, aged about 21 years and set to her liberty.

For Petitioner : Mr. M.Prabhu

For Respondents : Mr.T.Senthil Kumar (R1-R4)

Additional Public Prosecutor.

Mr.K.P.Narayanakumar (R6,R7)

ORDER

This Habeas Corpus Petition has been filed by the father of a young girl aged about 21 years, who is studying first year MBBS at Government Medical College, Ariyalur, complaining that his daughter had been missing on and from 22.05.2024.

2.The matter has been listed before this Court on three to four occasions.

3.Finally, the daughter of the petitioner and the 5th



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respondent had been located and had been produced before this Court.

The daughter of the petitioner is studying in 1st year MBBS at Government Medical College, Ariyalur. The 5th respondent is studying in 2nd year MBBS at Government Medical College, Namakkal. They had both taken a decision to live together. It is also insisted that they have perfected such relationship. We were of the opinion that it is only appropriate that they continue their studies.

4.We are grateful to the Dean of both the Colleges for having readmitted the two of them once again in the respective Colleges. We are not sure whether the two children will understand the enormosity of this particular act shown by their Deans. We would record our gratitude for the same.

5.The minor issue is that the Certificates of the 5th respondent had been held by his mother/6th respondent. Today, the mother of the 5th respondent is also present before this Court and had handed over a string of Certificates, which were required by the 5th respondent, who had received and had also given acknowledgement for the same. With this, the issue of Certificates come to an end. The other



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original certificates like Nativity Certificate, Community Certificate, Educational Certificate shall be released by the College authorities in accordance with the Rules.

6.It is also complained by the daughter of the petitioner that the 6th respondent had taken away her two cell phones. Today, the 6th respondent has also handed over the same before this Court and the same have been received by the daughter of the petitioner in the presence of the learned Additional Public Prosecutor and their counsels.

7.It is stated that the Dean of Government Medical College, Namakkal had also readmitted the 5th respondent in the Hostel. However, the daughter of the petitioner has not been readmitted in the Hostel. We deeply encourage strict rules to be followed in the Hostels. We are not encouraging either the daughter of the petitioner or the 5th respondent to violate any of the Rules. Therefore, even if any undertaking had been given earlier by both the daughter of the petitioner Shamila and the 5th respondent Aravindan they must give separate undertakings to the Dean of Government Medical College, Ariyalur and Government Medical College, Namakkal respectively that they would abide by the Rules and



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guidelines of the respective Hostels and they will not pollute the atmosphere any further and they will stay in the Hostel like other students.

8.The 6th respondent may not go over to the Medical College at Ariyalur or cause any threat to the daughter of the petitioner.

9.It is stated by the learned counsel for the 6th respondent that we have made a few remarks in an order, dated 18.09.2024, particularly, in paragraph Nos.16, 20 and 21, which according to the learned counsel for the petitioner would directly affect the 6th respondent. We would like to clarify that the observation were made at that time since we were not aware about the presence of the daughter of the petitioner and the 5th respondent /son of the 6th respondent. We were not able to come to any conclusion.

10.We are not imputing allegation against the 6th respondent. In our opinion, the 6th respondent being the mother of the 5th respondent is a well-wisher of the 5th respondent. We have no reason to doubt her otherwise.



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11.In the earlier order we also observed that the 6th respondent has a Temple at Peelamedu, Coimbatore and an oral representation made by the learned counsel for the 6th respondent that the petitioner and his men / relatives have attempted to go over to the Temple to the adverse interests of the 6th respondent.

12.It would be only appropriate that the petitioner / his relatives and friends or anybody acting under him should stay away from the Temple of the 6th respondent. The 6th respondent may continue administrating the said Temple and manage the same. If there are any physical intrusions and there are materials for the same, she may take steps in accordance with law.

13.The learned counsel for the petitioner stated that the 6th respondent has made false allegations against the petitioner, and that there is no intention to the petitioner to go to the 6th respondent's Temple.

14.In view of the aforesaid facts and circumstances, we are of the considered opinion that the daughter of the petitioner and son of the 6th respondent/ 5th respondent shall live peacefully and continue their



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studies. No further orders are required in this petition.

15. Accordingly, this Habeas Corpus Petition stands closed.

(C.V.K., J.) (R.P., J.)
03.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PNM

To

1. The Commissioner of Police,
Madurai City.

2. The Deputy Commissioner of Police (South).
Madurai City.

3. The Superintendent of Police,
Trichirappalli District.

4. The Inspector of Police,
Thiruverambur Police Station,
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5. The Directorate of Medical Education,
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6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

PNM

ORDER MADE IN
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03.10.2024