



H.C.P.(MD) No.760 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM:

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

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Sivapandi

... Petitioner

-VS-

1.The Superintendent of Police
Madurai District
K.Pudur, Madurai

2.The Inspector of Police
Nagamalai Pudukottai Police Station
Madurai District

3.The Inspector of Police
All Women Police Station
Samayanallur, Madurai District

4.Sivabalan

... 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 produce the petitioner's daughter (detenue) namely Raziya, aged about 18 years, under the illegal custody of the fourth respondent herein and set her at liberty.



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For Petitioner : Mr.A.Ramesh

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor for R1 to R3
Mr.S.Sivapandi for R4

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 1 and 2 to secure his daughter, namely, Raziya, aged about 18 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Raziya is studying Diploma in Discipline of Pharmacy in K.M.College of Pharmacy, Madurai. He came to know that the fourth respondent used to follow his daughter and developed intimacy with her. While that being so, on 12.06.2024, at about 10.40 a.m., the fourth respondent along with his associates had kidnapped his daughter. Though he searched for his daughter, he could not find out the whereabouts of his daughter and thereby, he lodged a complaint before the respondent – Police. However, no effective steps were taken by them to trace the missing girl. Hence, this habeas corpus petition.



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3. Learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that the petitioner is the father of the missing girl, who born on 04.05.2006. During enquiry, it was found that his daughter was in love with the fourth respondent for the past three years and since the petitioner and his family members had not accepted his daughter's love affair, after attaining majority, she went out of the house on 12.06.2024 and got married with the fourth respondent in Melakuyilkudi Sivan Temple. Since the petitioner and his family members had harassed them, the petitioner's daughter's daughter had given a petition before the All Women Police Station, Samayanallur, seeking protection and it has been taken on file in C.S.R.No.498 of 2024 and after enquiry, finding that the alleged missing girl is a a major and she had expressed her willingness to go along with the fourth respondent, she was sent along with him. The petitioner, father of the alleged missing girl, is also very well aware of the same, however, with false allegations, he has filed the present habeas corpus petition.

4. The petitioner, his wife and daughter / missing girl and the fourth respondent and his parents are present before this Court.



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5. On enquiry, the parents of the fourth respondent submitted that they are aware of the love affair of their son with the alleged missing girl and that with their consent only, the marriage was performed. They further submitted that their son is an Autorickshaw driver by profession and he is able to take care of the alleged missing girl / his wife.

6. We also enquired the alleged missing girl. On enquiry, she submitted that she is a major and she expressed her willingness to go along with the fourth respondent.

7. In view of the above submissions, we are of the view that the alleged missing girl is a major and she is not in illegal detention of anybody. Hence, this habeas corpus petition is closed.

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

[K.R.S., J.]

28.06.2024

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

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Madurai Bench of Madras High Court,
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