



H.C.P.(MD) No.802 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

CORAM:

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

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Madathi

... Petitioner

-VS-

1.The Superintendent of Police,
Koarampallam,
Thoothukudi District.

2.The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents 1 & 2 to produce the body or person of the petitioner's daughter namely Mariyammal, D/o.Velsamy, aged 24 years before this Court and set her at liberty.



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For Petitioner :No appearance
For Respondents :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the mother of the detenu seeking to produce the alleged detenu namely Mariyammal, D/o.Velsamy, aged 24 years before this Court and set her at liberty.

2. The case of the petitioner is that she has got two daughters namely Annalakshmi and Mariyammal and also one son Karuppasamy. Her daughter Mariyammal was studying Nursing Course in Government Medical College. While so, on 12.09.2021 the said Mariyammal gone out for shopping and she did not return back. The petitioner has given a complaint on 19.09.2021 to the second respondent. Based on the complaint, the second respondent has registered a case in Cr.No.282 of 2021. Since no action has been taken by the respondents to trace the detenu/missing person, she has filed the present habeas corpus petition.



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3. When the matter is taken up for hearing the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner is the mother of the detenu. Based on the complaint given by her on 19.09.2021 that her daughter was missing on 12.09.2021 a case was registered in Cr.No.282 of 2021. During the course of investigation, it came to light that she had gone along with her brother-in-law namely Kathireasan, who is husband of her elder sister and she was traced at Tirupur. The elder daughter Annalakshmi has also given a complaint before the All Women Police Station, Tirupur about missing of her husband and younger sister and enquiry was conducted, thereafter, she they come back and thereby the case in Cr.No.282/2021 has been closed on 17.08.2021 and the final report was served on the petitioner. Thereafter, once again the petitioner's younger daughter went missing and enquiry was conducted in C.S.R.No.583 of 2021. Suppressing the above facts, the petitioner has filed the present habeas corpus petition.

4. Having gone through the records, we find that the petitioner is well aware of the fact that her younger daughter had voluntarily gone along with her son-in-law (husband of her elder daughter). The police had earlier enquired



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the matter in Cr.No.282/2021 and further in C.S.R.No.583/2021 and only thereafter, it has been closed. Further, the husband of the petitioner had appeared before the respondent police and had given a request not to proceed further.

5. In view of the above, this habeas corpus petition is closed since we find that it is not a case of illegal detention.

[A.D.J.C., J.] [K.R.S., J.]
05.07.2024

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

- 1.The Superintendent of Police,
Koarampallam,
Thoothukudi District.
- 2.The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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