



H.C.P.(MD) No.869 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM:

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

H.C.P.(MD) No.869 of 2024

Sarabeevi

... Petitioner

-VS-

1.The Superintendent of Police
Theni District
Theni

2.The Inspector of Police
All Women Police Station
Theni

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the person or body of the detainee, namely, Bahisha Parshana, the petitioner's daughter, aged about 22 years, before this Court and set her at liberty.



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For Petitioner : Mr.K.K.Samy
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1 & R2
For Detenue : Mr.K.Dinesh

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, Bahisha Parshana, aged about 22 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that her daughter Bahisha Parshana was frequently contacted with a boy through Instagram. Thereafter, she avoided him in view of difference of opinion. When she fixed a marriage to her daughter, she went missing from 20.06.2024. Despite search, she could not trace her daughter. Hence, she lodged a complaint to the second respondent. However, no action was taken based on her complaint to trace her daughter. Subsequently, during enquiry in the Police Station, two



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unknown persons came along with her daughter and they did not allow the petitioner to speak with her daughter. The respondent – Police, without conducting any proper enquiry, had sent back her daughter along with the persons, who brought her daughter. Fearing danger to the life of the petitioner's daughter, the petitioner has filed this habeas corpus petition.

3. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the alleged missing girl was born on 26.04.2002 and she is aged 22 years. Based on the complaint given by the petitioner, an enquiry was conducted in current paper No.2555 of 2024 by the second respondent – Police. During enquiry, initially, she did not reveal anything about her love affair with one Vishnu and she stated that since her parents had forced her to marry a person against her wish, she had gone to Chennai and was working in K.G.M.Hospital, by staying along with her friends in a hostel. Subsequently, only after filing of this habeas corpus petition, she revealed about her love affair and stated that she had fallen in love with one Vishnu, son of Thavamani and Chitradevi of Palanganatham, Madurai District and since her parents had forced her to marry a person against her wish, she had gone to the house of Vishnu and is staying with the parents of Vishnu.



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4. On instructions from the respondent – Police, the parents of Vishnu have produced the alleged missing girl before this Court. On enquiry, she stated that she is aged 22 years. She fell in love with one Vishnu, who is an Engineering Graduate and working in Malaysia. On coming to know about the love affair with Vishnu, her parents had compelled her to marry a person of their choice, thereby she left the home and was staying along with the parents of the said Vishnu. She would further state that in order to avoid harm to the parents of the said Vishnu from her parents, she did not reveal anything about staying with the parents of Vishnu to her parents. She would further state that she is not in illegal detention of anybody and she is staying with the parents of Vishnu on her own volition.

5. The parents of Vishnu, namely, Thavamani (father) and Chitradevi (mother) are also present before this Court. His father Thavamani would state that he is engaged in the business of real estate and his mother Chitradevi would state that she is a staff of Civil Supplies Ration Shop. They would state that they are well aware about the love affair between their son and the missing girl and that since now their son is at Malaysia, he is unable to appear before this Court today and they are taking steps to get their son and the missing girl married.



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6. In view of the above, we are of the view that the alleged missing girl is not in illegal detention of anybody, thereby no further adjudication is required in this habeas corpus petition.

7. Accordingly, the habeas corpus petition is closed.

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

[K.R.S., J.]

24.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
All Women Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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