



H.C.P.(MD) No.907 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

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

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S.Rahul Prabhu

... Petitioner

-VS-

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

2.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second respondent herein to produce the body or person of the petitioner's mother Mrs.S.Rubavathy, W/o.Late Senthil Prabu, aged 50 years, before this Court and set her at liberty.

For Petitioner :Mr.C.Narendren

For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For Detenu : Mr.C.Senthil Murugan



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ORDER

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

This Habeas Corpus Petition has been filed by the son of the detenu seeking to produce the person or body of the detenu viz., Mrs.S.Rubavathy, W/o.Late Senthil Prabu, aged 50 years, before this Court and set her at liberty.

2. The case of the petitioner is that his father Senthil Prabhu died on 13.06.2017, leaving behind his mother S.Rubavathi, the detenu herein and his sister S.Keerthika. After the demise of the petitioner's father, he was brought up by his grand-mother and his sister was living with his mother at Peraiyur, Madurai District. While so, on 11.01.2024 the petitioner's mother, who was living with his sister, was found missing. The petitioner has given a complaint on 24.01.2024 to the second respondent. The second respondent had registered a case in Cr.No.15/2024 for 'Woman Missing'. Further, since no steps have been taken by the respondent police, he has filed the present habeas corpus petition.



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3. When the matter came up for admission on 26.07.2024, on the day the petitioner was not present, however, on the instruction of the second respondent, the missing person S.Rubavathi was present before this Court. Since the petitioner was not available, we directed the petitioner to appear before this Court along with his sister. Pursuant to the same, today the petitioner and his sister present before this Court and the alleged missing person S.Rubavathi is also present before this Court.

4. We enquired the missing person. She submitted that the petitioner is her son and that she has a daughter namely Keerthika, aged about 18 years. She further submitted that her husband died on 13.06.2017 and she was living with her children and in-laws and later, due to ill-advise of the family members of her husband side, the children were turned against her and since the children had continuously harassed her, she had left the children with her in-laws and she is now staying along with her maternal uncle one Balasubramanian. She submitted that earlier on the ill-advise of her in-laws, her daughter had assaulted her and an enquiry was conducted by the police. During the enquiry, her daughter gave an



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undertaking that she will not harass her, whereas she continuously harassed her and fearing physical harass and further torture from her children she had gone to her maternal uncle's house and living with his family and she is not under illegal custody of anyone and she is under care of her uncle Balasubramanian. We also heard the children.

5. In view of above, finding that the detenu is not under illegal detention of anybody, this habeas corpus petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
29.07.2024

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

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Peraiyur Police Station,
Madurai 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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