



H.C.P.(MD) No.943 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM:

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

H.C.P.(MD) No.943 of 2024

Kathi Jeennisa

... Petitioner

-vs-

1.The Superintendent of Police
Thanjavur District
Thanjavur

2.The Inspector of Police
Medical College Police Station
Thanjavur
Thanjavur District

3.Thavakkal Batcha

4.Mohammed Gowse

... 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 corpus or body of the petitioner's daughter, namely, Anitha @ Aphkhan Sulthana,



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daughter of Late.Santhana Krishnan, aged 27 years, before this Court from the custody of the respondents 3 & 4 and set her at liberty.

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.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 & 2 to secure her daughter, namely, Anitha @ Aphkhan Sulthana, aged about 27 years, from the custody of the respondents 3 & 4, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that a girl child was born to her on 15.03.1997 and at that time, she was working in the house of the third respondent. Since her husband died, she was unable to raise up the child, she had allowed the third respondent to take care of her child and thereafter, the petitioner had left. After past several years, the third respondent had avoided to show the daughter to the petitioner. The petitioner's daughter was also not found and she heard that the third respondent had sold her daughter



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to her brother-in-law Mohammed Gowse / fourth respondent herein and his wife. Since the whereabouts of her daughter is not known, the petitioner had given a complaint to the respondent – Police on 06.07.2024 and an enquiry in C.S.R.No.484 of 2024 was conducted and thereafter, since no action was taken, 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 is born on 15.03.1997 and as on date, she is aged 27 years. According to the petitioner, on account of her poverty, she was unable to raise up her daughter and thereby, handed over her custody to the third respondent. The petitioner's daughter has married one Kalid and now, they are residing in Dubai. During enquiry, the petitioner and the respondents 3 and 4 appeared in person and the alleged missing girl appeared for enquiry through video call and she stated that she is residing in Dubai with her husband and that she is not in illegal detention of anybody and she further stated that since she is unable to return back to India now, as and when she comes to India, she will meet her mother / petitioner herein.



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4. In view of the above submission of the learned Additional Public Prosecutor, we are of the view that the petitioner's daughter is not in illegal detention of anybody and therefore, no further adjudication is required in this habeas corpus petition and the same is, therefore, closed.

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

[K.R.S., J.]

01.08.2024

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

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To:

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Medical College Police Station,
Thanjavur,
Thanjavur 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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