



H.C.P(MD)No.1 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P(MD)No.1 of 2024

P.Ashokkumar

... Petitioner

vs.

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

2. The Inspector of Police,
Vikramangalam Police Station,
Chekkanoorani, Madurai District.

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

4. Raghul

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 to 3 herein to produce the detinue body or person of petitioner's daughter Roshini, D/o P.Ashok Kumar, aged 21 years from the illegal custody of the 4th respondent herein before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.V.S.Kumaraguru

For R1 to R3 : Mr.RMS.Sethuraman

Additional Public Prosecutor

For R4 : Mr.S.Sarvagan Prabhu



WEB COPY



H.C.P(MD)No.1 of 2024

ORDER

[Order of the Court was made by **J.NISHA BANU, J.**]

This Habeas Corpus Petition is filed to direct the respondents 1 to 3 herein to produce the body or person of the petitioner's daughter Roshini, aged 21 years from the illegal custody of the 4th respondent herein before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter is found missing on 17.10.2023 and despite search, she could not be found out. Therefore, the son of the petitioner/brother of the detainee made a complaint with the 2nd respondent Police on 18.10.2023 and the same was registered in Crime No.169/2023. According to the petitioner, since he was in hospital, the police asked his wife for enquiry, during which, the 3rd respondent police informed that the detainee married the 4th respondent on her own volition and the police forcibly obtained a statement from the petitioner's wife and she was denied to meet and interact with her daughter/detinue.

3. The petitioner would further state that though the 4th respondent is a relative of the petitioner, the relationship between the



H.C.P(MD)No.1 of 2024

detenue and the 4th respondent is in the nature of sister and brother and therefore, it is not fit for marriage to each other. Further, the petitioner came to understand that the detenue is under illegal custody of the 4th respondent who is working in the police department. Finding that the representation dated 13.12.2023 sent to the respondents 1 to 3 to take action against the 4th respondent did not yield any response, the petitioner has filed this Habeas Corpus Petition.

4. Today, the detenue as well as the 4th respondent are produced before this Court by the respondent police. We enquired them. Both of them in one voice stated that they married each other on their own will and wish and are living together. The detenue also affirmed that she is not under the illegal custody or detention of the 3rd respondent.

5. Recording the above statement, this Habeas Corpus Petition is closed. No costs.

(J.N.B., J.)

(K.K.R.K., J.)

04.01.2024

Index : Yes / No

Neutral Citation : Yes / No



bala

WEB COPY

To



H.C.P(MD)No.1 of 2024

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Vikramangalam Police Station,
Chekkanoorani,
Madurai District.
3. The Sub Inspector of Police,
All Women Police Station,
Othakadai,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.1 of 2024

J.NISHA BANU, J.
and
K.K.RAMAKRISHNAN, J.

bala

ORDER MADE IN
H.C.P(MD)No.1 of 2024
DATED : 04.01.2024