

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 2625 of 2019

V.T.Pugazendhi

... Petitioner

-vs-

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Superintendent of Police,
"Q" Branch,
Mylapore, Chennai - 600 004

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the body of the detenu Prasanthi, daughter of Chandran (female/aged 20 years) from the illegal custody of the second respondent before this Court and set her at liberty.

For Petitioner : Mr.S.Doraiswamy

For Respondent : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the Producer and Director, seeking custody of the detenu notwithstanding the existence of her parents, has filed this habeas corpus petition. The sum and substance of the petitioner's case is that the detenu is under

the illegal custody of the second respondent.

2. The learned Additional Public Prosecutor appearing for the respondents would submit that earlier the detainee has given a complaint against a third party, by name, Balaganesan. Pursuant to which, the petitioner was issued with summons by the Sub-Inspector of Police, R8 Vadapalani Police Station in C.S.R.No.545 of 2019. On enquiry, it was closed. Thereafter, a case has been registered against the scores of accused including the detainee by the Chennai City Q-Branch in Cr.No.1 of 2019 under Sections 120-B, 420, 465, 468, 471 IPC and Section 3, 12 (1-A) (a), 12 (1-A) (b), 12 (2) Passports Act 1967 r/w Sec. 3(2) (a) & (c) and Sec 14 A(b) of Foreigners Act, 1946.

3. The detainee was inquired and thereafter left alone. Attempt to serve notices either on the detainee or her parents ended in futility. All the addresses shown by them were found to be locked.

4. The learned Additional Public Prosecutor also produced documents to show that the addressees have left. As per his instruction, all of them left this country. It is further submitted by the learned Additional Public Prosecutor that the detainee has obtained two passports in two different names. The investigation so far would reveal that the documents produced by her have been forged.

5. Thus, from the above, we do not find any illegal detention involved in this case. It is not only the detainee who is missing but also her parents. It appears that all of them have left the country. The question of their nationality is itself under dispute. After all, the petitioner is none other than the Producer and Director of the movie and has entered into an agreement with the father of the detainee in which she has agreed to play a role.

6. In such view of the matter, the Habeas Corpus Petition stands closed.

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Assistant Registrar (CS IV)
//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Director General of Police,
Dr.Radhakrishnan salai,
Mylapore, Chennai - 600 004.

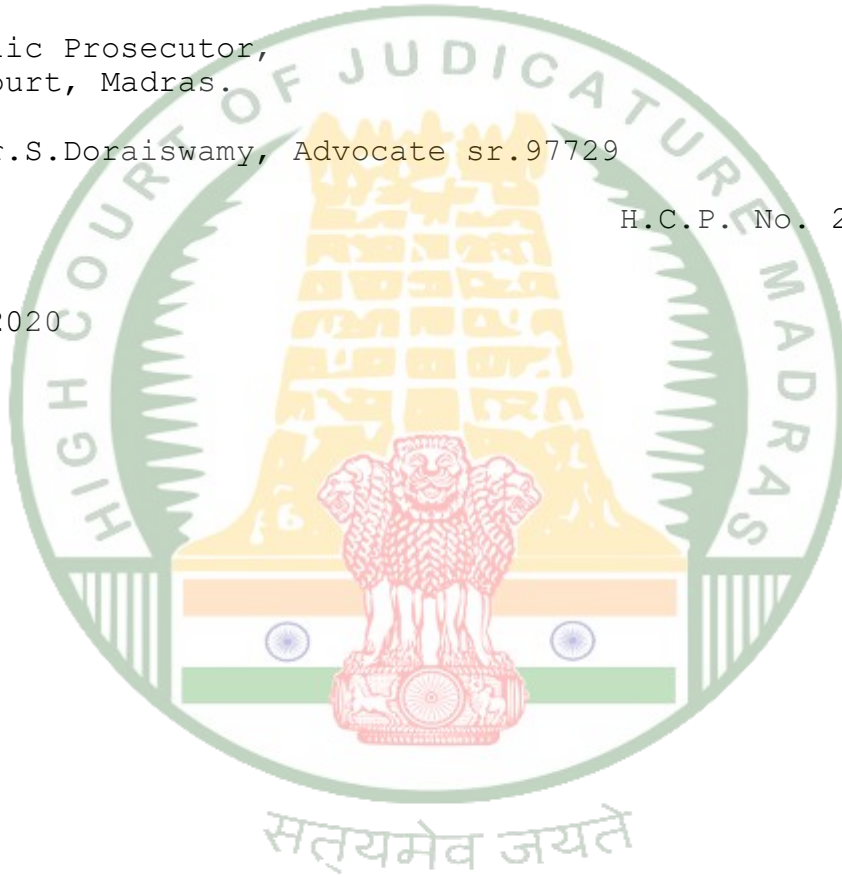
2.The Superintendent of Police,
"Q" Branch,
Mylapore, Chennai - 600 004

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Doraiswamy, Advocate sr.97729

H.C.P. No. 2625 of 2019

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