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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.1923 of 2021

R.Mahalingam

.. Petitioner

Vs.

1. The Commissioner of Police,
The Greater Chennai,
132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 7.

2. The Inspector of Police,
K-2, Ayanavaram Police Station,
Konnur High Road, Ayanavaram,
Chennai - 600 023.

3. Mani Rathinam

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus direct the 1st and 2nd respondents to produce the body of the detainee viz., M.Geethanjali, aged about 26 years, D/o.Mahalingam, before this Court and to set her at liberty.

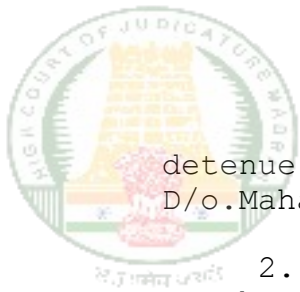
For Petitioner : Mr.V.S.Jagadeesan

For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 1st and 2nd respondents to produce the body of the



detenue viz., M.Geethanjali, aged about 26 years, D/o.Mahalingam, before this Court and to set her at liberty.

2. It is the case of the petitioner that his daughter Geethanjali, aged about 26 years, is a divorcee; he fixed her remarriage with one Balan and held a betrothal on 31.03.2021; after betrothal, on 26.08.2021, Geethanjali went missing, in connection with which, on a complaint given by him, a case in Ayanavaram Police Station Crime No.485 of 2021 was registered on 28.06.2021 for 'woman missing' and that the police are not taking effective steps to secure her.

4. Today B.Venkatesan (Mobile No.94981 11351), Sub-Inspector of Police, K-2, Ayanavaram Police Station, Konnur High Road, Chennai, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that the police secured Geethanjali on 29.08.2021 and handed her over to the petitioner.

6. The learned counsel for the petitioner denied the above submission and submitted that Geethanjali came with Mani Rathinam, third respondent herein, to the police station and told the petitioner that she needs three days time to ponder over and left the police station, after which, her whereabouts are not known.

7. Since Geethanjali is not a minor and there are no materials to show that she is in the illegal custody of the police, a writ of habeas corpus cannot be issued.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, Ayanavaram Sub-Division, to supervise the investigation in Ayanavaram Police Station Crime No.485 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenue Geethanjali, aged about 26 years, is secured, she shall be produced before the V Metropolitan Magistrate, Egmore, Chennai, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Assistant Commissioner of Police,
Ayanavaram Sub-Division,
Chennai.
3. The Commissioner of Police,
The Greater Chennai,
132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 7.
4. The Inspector of Police,
K-2, Ayanavaram Police Station,
Konnur High Road, Ayanavaram,
Chennai - 600 023.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.61161

H.C.P.No.1923 of 2021

GSM(CO)
SU(08/12/2021)