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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.54 OF 2022

Velayutham

...Petitioner

Vs.

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

2.The Inspector of Police,
Gopinathampatti Police Station,
Pappireddipatti Taluk,
Dharmapuri District.

3.Shalman Khan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the body and person of the detenu Arulmozhi, daughter of Velayutham, the petitioner's daughter, aged about 25 years, before this Court and from the custody of the 3rd respondent and set her at liberty.

For Petitioner : Mr.A.Venkatesan

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

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the 2nd respondent to produce the body and person of the detenu Arulmozhi, daughter of Velayutham, the petitioner's daughter, aged about 25 years, before this Court and from the custody of the 3rd respondent and set her at liberty.



2. It is the case of the petitioner that his daughter Arulmozhi, aged about 25 years, went missing from 20.12.2021 and that the police are not taking effective steps to secure her.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Gobinathampatti Police Station Crime No.147 of 2021 was registered on 21.12.2021 under Section 366 IPC against Shalman Khan (A1), third respondent herein and Iyuf Khan (A2); during the course of investigation, the petitioner's daughter surrendered before the Oomachikulam Police Station in Madurai and stated that she has got married to Shalman Khan, third respondent herein and that she is not in the illegal detention of any one; this was informed to Gobinathampatti Police Station and after conducting enquiry, the FIR in Crime No.147 of 2021 has been closed; Referred Charge Sheet (RCS) Notice has also been served on the petitioner/de facto complainant.

4. In view of the above, it cannot be stated that the petitioner's daughter Arulmozhi, aged about 25 years, is in the illegal custody of the third respondent.

Recording the same, this habeas corpus petition stands closed. It is always open to the petitioner to approach the Judicial Magistrate, Pappireddipatti, to file a protest application in Gobinathampatti Police Station Crime No.147 of 2021 within two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

nsd

To

- 1.The Judicial Magistrate,
Pappireddipatti.
- 2.The Superintendent of Police,
Dharmapuri District, Dharmapuri.
- 3.The Inspector of Police,
Gopinathampatti Police Station,
Pappireddipatti Taluk,
Dharmapuri District.



4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Venkatesan, Advocate Sr.No.4332

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BS (CO)
RVM(11/02/2022)