



H.C.P.No.95 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.95 of 2022

S.Sathya
W/o.Late Shanker

... Petitioner

Vs.

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

2.The Inspector of Police,
Virudumpet Police Station,
Vellore District.

3.Parthiban
S/o.Boopathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the second respondent to produce the detainee S.Gomathi D/o.Shanker, aged about 17 years, from the illegal custody of the third respondent before this Court and hand over to the petitioner.



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For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor [R1 & R2]

ORDER

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

This petition has been filed seeking a direction to the second respondent to produce the detainee S.Gomathi D/o.Shanker, aged about 17 years, from the illegal custody of the third respondent before this Court and hand over to the petitioner.

2. On 31.01.2022, we passed the following order:

"This habeas corpus petition has been filed seeking to direct the second respondent to produce the detainee S.Gomathi, D/o.(Late) Shanker, aged about 17 years, from the illegal custody of the third respondent, before this Court and hand over to the petitioner.

2. It is the case of the petitioner that her daughter S.Gomathi, D/o.(Late) Shanker, aged about 17 years, went missing from 10.12.2021 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 Virudampet Police Station Crime No.509 of 2021 has been registered on 11.12.2021 for "girl missing" and investigation is in progress.



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In view of the above, we direct the Deputy Superintendent of Police, Katpadi, to supervise the investigation in Virudampet Police Station Crime No.509 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenue S.Gomathi, D/o.(Late) Shanker, aged about 17 years, is secured, she shall be produced before the Judicial Magistrate-III, Vellore, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Post on 28.02.2022."

3. Today, Mr.R.Babu, Special Sub-Inspector of Police, Viruthampet Police Station [Mobile No.94432 15031], is present.

4. When the matter was taken up for hearing, the learned counsel for the petitioner sought permission to withdraw this petition stating that his client has instructed him to withdraw the case. However, since this is a case in which a minor girl is said to be in the illegal custody of the third respondent, a married man, we direct the respondent police to comply with the order dated 31.01.2022.



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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

gm

With the above observation, this Habeas Corpus Petition is closed.

[PNP, J.] [TKR, J.]
07.11.2022

Index: Yes/No

gm

To

- 1.The Chief Judicial Magistrate,
Vellore.
- 2.The Judicial Magistrate III,
Vellore.
- 3.The Superintendent of Police,
Vellore,
Vellore District.
- 4.The Deputy Superintendent of Police,
Katpadi.
- 5.The Inspector of Police,
Virudumpet Police Station,
Vellore District.
- 6.The Public Prosecutor,
High Court, Madras.

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