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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.547 of 2022

Rasu @ Raji

.. Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first respondent to produce the body or person of the petitioner's daughter Sumitha, daughter of Rasu @ Raji, aged about 20 years, before this Court and set her at liberty.

For Petitioner : Mr.G.Saravanabhavan

For Respondents : 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 first respondent to produce the body or person of the petitioner's daughter Sumitha, daughter of Rasu @ Raji, aged about 20 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Sumitha, aged about 20 years, went missing from 16.01.2022 and thereafter, her whereabouts are not known.



3. Today, P.Sathiyaraj (Mobile No.94981 50527), Grade I 1143, Thiruvennainallur Police Station, Villupuram District, is present.

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4. On instructions, the learned Additional Public Prosecutor submitted that earlier Sumitha went missing on 16.11.2021, in connection with which, on a complaint given by the petitioner, a case in Thiruvennainallur Police Station Crime No.913 of 2021 was registered on 20.11.2021 under Sections 147 and 366 IPC against Ajith and six others and during the course of investigation, it came to light that Sumitha had eloped with Ajith; Sumitha was secured and handed over to her parents on 21.11.2021; however, again Sumitha has eloped with Ajith on 16.01.2022.

5. In such view of the matter, it cannot be stated that Sumitha is in the illegal custody of the respondents for the issuance of a writ of habeas corpus.

6. Be that as it may, we direct the Deputy Superintendent of Police, Villupuram Sub-Division, Villupuram District, to supervise the investigation in Thiruvennainallur Police Station Crime No.913 of 2021 and keep the petitioner informed of the developments, if any. As and when the detainee Sumitha, aged about 20 years, is secured, she shall be produced before the Judicial Magistrate Court, Ulundurpet, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

With the above directions, this habeas corpus petition stands closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Ulundurpet.
2. The Superintendent of Police,
Villupuram District.



3. The Deputy Superintendent of Police,
Villupuram Sub-Division,
Villupuram District.

4. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram.

5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.547 of 2022

VBM(CO)
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