



WEB COPY



H.C.P.No.2214 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2214 of 2022

R.Karunakaran

.. Petitioner

Vs

1.The Assistant Commissioner of Police,
Madhavaram Range,
Madhavaram, Chennai – 600 060.

2.The Inspector of Police (Crime Branch),
Madhavaram Police Station,
Madhavaram, Chennai – 600 060.
(Crime No.2467/2021)

3.V.Karunakaran

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to cause production of the body or person of the petitioner's daughter *viz.* K.Abiram @ Kaviya, aged about 19 years, before this Court and set her at liberty.



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For Petitioner : Mr.R.Krishnan

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 by the petitioner seeking a direction to the second respondent to cause production of his daughter *viz.* K.Abiram @ Kaviya, aged about 19 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he hails from Mannargudi, Thiruvarur; he got married to one Sathya and through the wedlock, he has two children, a son and daughter *viz.* Surya and Abirami, respectively; his wife died in the year 2010; since he was not able to bring up both the children, he gave Abirami *via* oral adoption to the third respondent and he is bringing up Surya all by himself; on 24.09.2022, when the petitioner went to the house of the third respondent, it was told by the third respondent that



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Abirami went missing from December 2021 itself and that the police are investigating the matter. On these allegations, the present habeas corpus petition has been filed by the petitioner.

3. Today, T.Mohan (Mobile No.94981 94799), Police, Madhavaram Police Station, Madhavaram, Chennai, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by Hariharan, son of the third respondent, a case in Madhavaram Police Station Crime No.2467 of 2021 was registered on 13.12.2021 for “woman-missing” and investigation is in progress.

5. In the said complaint, which formed the basis of the FIR in Crime No.2467 of 2021, Hariharan has stated that Abirami was a domestic help in his house and she left the house on the pretext of going to a nearby shop on 12.12.2021 around 7.30 in the evening, but, did not return. On one hand, the petitioner is saying that Abirami was given in adoption to the third



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respondent, but, on the other, the son of the third respondent has stated in the FIR that Abirami was employed in his house.

6. Be that as it may, Abirami is not a minor and she is 19 years old. In such view of the matter, we direct the Assistant Commissioner of Police, Puzhal Range, Chennai, to supervise the investigation in Crime No.2467 of 2021 that is being conducted by the Inspector of Police, Madhavaram Police Station, Chennai and keep the petitioner informed of the developments, if any. As and when the detenue Abirami, aged about 19 years, is secured, she shall be produced before the Judicial Magistrate Court, Madhavaram, Chennai, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

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

(P.N.P., J.) (TKRJ)
07.11.2022

nsd



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- 1.The Judicial Magistrate,
Madhavaram, Chennai.
- 2.The Assistant Commissioner of Police,
Puzhal Range, Chennai.
- 3.The Assistant Commissioner of Police,
Madhavaram Range,
Madhavaram, Chennai – 600 060.
- 4.The Inspector of Police (Crime Branch),
Madhavaram Police Station,
Madhavaram, Chennai – 600 060.
- 5.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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

nsd

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