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H.C.P.No.2184 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

Coram

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

H.C.P.No.2184 of 2022

Govindharaj

.. Petitioner

Vs

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

2.The Inspector of Police,
Perambalur Police Station,
Perambalur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent herein to produce the petitioner's daughter by name Kalaiselvi, aged about 22 years, before this Court and set her at liberty.



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For Petitioner : Mr.K.Karuppaiya Mooppanar

For Respondents : 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 herein to produce his daughter by name Kalaiselvi, aged about 22 years, before this Court and set her at liberty.

2. It is the case of the petitioner his daughter Kalaiselvi, aged about 22 years, went missing from 17.10.2022 and that the police are not taking effective steps to secure her.

3. Today, S.Periyasamy (Mobile No.94981 59365), Sub-Inspector of Police, Perambalur Police Station, Perambalur District, is present.



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4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by Mariyayi, wife of the petitioner, a case in Perambalur Police Station Crime No.773 of 2022 was registered on 18.10.2022 for “woman-missing” and during the course of investigation, it came to light that Kalaiselvi was in love with one Tamilselvam, eloped with him and got married to him on 19.10.2022. He produced the marriage photograph of Kalaiselvi. Further, he connected us to Kalaiselvi *via* Whatsapp video call.

5. We spoke to Kalaiselvi, who stated that her date of birth is 31.03.2000 and she is aged about 22 years. She also stated that she has got married to Tamilselvam. We permitted her to speak to her father *via* Whatsapp video call.

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



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Hence, this habeas corpus petition stands closed with a direction to the Inspector of Police, Perambalur Police Station to proceed with the investigation in Crime No.773 of 2022 and produce Kalaiselvi, aged about 22 years, before the Additional Mahila Court (Magisterial Level), Perambalur District, under intimation to the petitioner and thereafter, close the FIR. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

(P.N.P., J.) (TKRJ)
03.11.2022

nsd



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To

- 1.The Additional Mahila Judge,
(Magisterial Level), Perambalur District.
- 2.The Superintendent of Police,
Perambalur,
Perambalur District.
- 3.The Inspector of Police,
Perambalur Police Station,
Perambalur District.
- 4.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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