



H.C.P.No.2319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

Coram

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

H.C.P.No.2319 of 2022

D.Balamurugan

.. Petitioner

Vs

- 1.The Superintendent of Police,
Erode District, Erode.
- 2.The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Crime No.534/2022)

3.K.Praveenkumar

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first and second respondents to produce the body of the detainee *viz.* Dharani Shree, aged 23 years, daughter of Balamurugan, before this Court and set her at liberty.



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For Petitioner : Mr.M.Guruprasad
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 first and second respondents to produce her daughter/detenué viz. Dharani Shree, aged about 23 years, daughter of Balamurugan, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Dharani Shree, aged about 23 years, went missing from 27.10.2022 and that the police are not taking effective steps to secure her.

3. Today, K.Chellamuthu (Mobile No.83000 37288), Special Sub-Inspector of Police, Karungalpalayam Police Station, Erode District, is present.



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4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Karungalpalayam Police Station Crime No.534 of 2022 was registered on 28.10.2022 for “woman-missing” and during the course of investigation, it came to light that Dharani Shree was in love with Praveenkumar, third respondent herein, knowing full well that he is married to Kumudha; Dharani Shree eloped with Praveenkumar and got married, after which, Dharani Shree has sent a voice message to her brother stating that she is happy with Praveenkumar and if any attempt is made to search for her, she would commit suicide. He further submitted that Kumudha, wife of Praveenkumar, has also given a complaint, based on which, a petition enquiry in Omalur All Women Police Station Crime No.471 of 2022 has been registered.

5. In such view of the matter, it cannot be stated that the detinue Dharani Shree, aged about 23 years, is in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.



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6. However, we direct the Deputy Superintendent of Police, Erode Town Sub-Division, Erode District, to supervise in the investigation in Crime No.534 of 2022 that is being conducted by the Inspector of Police, Karungalpalayam Police Station, Erode District and keep the petitioner and Kumudha informed of the developments, if any. As and when Dharani Shree and Praveenkumar are secured, they shall be produced before the Additional Mahila Court (Magisterial Level), Erode District, 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 directions, this habeas corpus petition stands closed.

(P.N.P., J.) (TKRJ)
16.11.2022

nsd



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- 1.The Additional Mahila Judge,
(Magisterial Level), Erode District.
- 2.The Superintendent of Police,
Erode District, Erode.
- 3.The Deputy Superintendent of Police,
Erode Town Sub-Division,
Erode District.
- 4.The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
- 5.The Inspector of Police,
All Women Police Station,
Omalur, Salem District.
- 6.The Public Prosecutor,
Madras High Court.



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and
RMT.TEEKAA RAMAN, J.

nsd

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