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H.C.P.No.2640 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.2640 of 2022

P.Velane

..... Petitioner

-Versus-

1.The Superintendent of Police (North),
Mettupalayam, Pondicherry.

2.The Station House Officer,
Mettupalayam Police Station,
Mettupalayam, Pondicherry.

3.Loganathan

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the 1st respondent to produce the petitioner's daughter viz., V.Ashweni, aged about 20 years (born on 02.08.2002) before this court from the illegal custody of the 3rd respondent and set her at liberty.



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*For Petitioner : Mr.P.Malaravan for
M/sPondy Law Firm*

*For Respondents : Mr.V.Balamurugane,
Public Prosecutor (Puducherry)*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

This Habeas Corpus Petition has been filed seeking a direction to the 1st respondent to produce the petitioner's daughter viz., V. Ashweni, aged about 20 years (born on 02.08.2002) before this court from the illegal custody of the 3rd respondent and set her at liberty.

2. It is the case of the petitioner that his daughter viz., V. Ashweni, aged about 20 years, went missing from 26.11.2022 and that she is in the illegal custody of the 3rd respondent.

3. On instructions, Mr.V.Balamurugane, learned Public Prosecutor (Puducherry) submitted that on a complaint given by the petitioner, a case in Mettupalayam Police Station Crime No.148 of 2022 has been registered on 26.11.2022 and during the course of enquiry, it came to light that Ashweni had fallen in love with the 3rd respondent, who is already a married person, and has eloped with him.



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4. In such view of the matter, it cannot be said that Ashweni is in the illegal custody of the 3rd respondent herein for the issuance of a writ of habeas corpus. Therefore, this habeas corpus petition is liable only to be closed.

In the result, this Habeas Corpus Petition stands closed with a direction to the 2nd respondent to proceed with the investigation in Crime No.148 of 2022 and as and when Ashweni is secured, she may be produced before the learned Judicial Magistrate-IV, Puducherry under intimation to the petitioner and thereafter, the learned Magistrate shall pass appropriate orders with regard to the custody of the detenue.

(P.N.P., J.) (N.A.V.,J.)
23..12..2022

Index: Yes/No
kmk

To

- 1.The Superintendent of Police (North), Mettupalayam, Pondicherry.
- 2.The Station House Officer, Mettupalayam Police Station, Mettupalayam, Pondicherry.
- 3.The Public Prosecutor (Puducherry), High Court, Madras.

Copy to

- 1.The Judicial Magistrate-IV, Puducherry.

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