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H.C.P.No.47 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.47 of 2023

J.Abirami

.. Petitioner

Vs.

1.The Deputy Commissioner,
Adayar Police Station,
Adayar, Chennai – 600 020.

2.The Inspector of Police,
Neelankarai Police Station,
Neelankarai, Chennai – 600 115.

3.M.Mohan

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents police to secure and produce the petitioner's daughter viz. J.Shalini, aged about 15 years, before this Court from the illegal custody of third respondent and hand over her custody to the petitioner.



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For Petitioner : Mr.V.Achuthanandan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This habeas corpus petition has been filed by the petitioner seeking a direction to first and second respondents/police to secure and produce her daughter viz. J.Shalini, aged about 15 years, before this Court from the illegal custody of third respondent and hand over the custody to her.

2. It is the case of the petitioner that her daughter Shalini, aged about 15 years, went missing from 03.12.2022 and that she is in the illegal custody of Mohan, third respondent herein.

3. Today, K.Bharathi (Mobile No.94981 46379), Sub-Inspector of Police, J-8, Neelankarai Police Station, Chennai, is present.



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4. On instructions, the learned Additional Public Prosecutor submitted that since Shalini was not comfortable in the house of the petitioner, she left for her grandfather's house at Neelankarai and thereafter, she has gone missing. He further submitted that on a complaint given by Santhakumar, grandfather of Shalini and father of the petitioner, a case in Neelankarai Police Station Crime No.458 of 2022 has been registered on 04.12.2022 for 'girl-missing' and during the course of investigation, it came to light that the Shalini has eloped with Mohan, third respondent.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, Neelankarai Range, Chennai, to supervise the investigation in Crime No.458 of 2022 that is being conducted by the Inspector of Police, Neelankarai Police Station and keep the petitioner and Santhakumar informed of the developments, if any. As and when the detinue Shalini, aged about 15 years, is secured, she shall be produced before the Judicial Magistrate Court No.II,



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Alandur, Chennai, under intimation to the petitioner and Santhakumar. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

[P.N.P., J.] [N.A.V., J.]
11.01.2023

nsd

To

1.The Judicial Magistrate No.II,
Alandur, Chennai.

2.The Assistant Commissioner of Police,
Neelankarai Range, Chennai

3.The Deputy Commissioner,
Adayar Police Station,
Adayar, Chennai – 600 020.

4.The Inspector of Police,
Neelankarai Police Station,
Neelankarai, Chennai – 600 115.

4.The Public Prosecutor,
High Court, Madras.



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AND
N.ANAND VENKATESH, J.

nsd

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