



HCP No.191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P.No.191 of 2023

K.Chennammal

.. Petitioner

-VS-

1.The Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
Moongailthuraipattu Police Station,
Kallakurichi District.

3.A.Rajve Gandhi
Respondents

..

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct respondents 1 and 2 to produce petitioner's daughter namely Biruntha, D/o.Kannan, age 19 years old before this Court from the illegal custody of the third respondent and set her at liberty.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 and R2



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ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

This order will now govern captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of convenience and clarity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 08.02.2023 which reads as follows:

'Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed by mother of a 19 year old girl, studying third year B.Com in a private college. This girl shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity.

2. It is submitted that a complaint has been given by the petitioner and the same has been registered as Crime No.9 of 2023 dated 23.01.2023 on the file of the second respondent police.

3. It is the case of the petitioner that the absentee is in illegal custody of third respondent.



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4. *Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of respondents 1 and 2 (official respondents) submits that the absentee came over to the police station on 05.02.2023, the petitioner / mother of absentee was also presented with absentee and the absentee has voluntarily given in writing that by her own volition, she has gone with third respondent as she feels secure.*

5. *As learned counsel on record for petitioner vehemently contends that the absentee has been illegally detained by third respondent, we deem it appropriate to direct the second respondent police to produce the absentee before us in the next listing.*

6. *List one week hence. List on 15.02.2023.'*

3. Pursuant to aforementioned earlier proceedings, today, the absentee has been produced before us. The petitioner is also present in Court along with her counsel. The absentee and the petitioner had interaction. It comes to light that the absentee is not in illegal detention of third respondent. As the absentee is not in illegal detention of the third respondent, nothing really survives in captioned HCP.



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4. Recording the aforementioned trajectory the matter took in this Court, captioned HCP is disposed of as closed.

(M.S., J.) (M.N.K., J.)
15.02.2023

Index:Yes/No
Neutral Citation : Yes/No
mmi

To

- 1.The Superintendent of Police,
Kallakurichi District.
- 2.The Inspector of Police,
Moongailthuraipattu Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
High Court, Madras.



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

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