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H.C.P.No.247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

H.C.P.No.247 of 2023

Santhi Marimuthu
Wife of Marimuthu

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Nagapattinam - 611 001.
2. The State
Rep. by the Inspector of Police
Nagore Police Station
Nagapattinam - 611 002.
3. Gokulakrishnan
Son of Madasamy
Valliammal Nagar
Nagapattinam Taluk
Nagore, Nagapattinam - 611 002.
4. Madasamy,
Valliammai Nagar
Nagapattinam Taluk
Nagore, Nagapattinam - 611 002.

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5.

Parthian
Son of Balachandran

..

Respondents

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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to to direct the 1st respondent to produce the missing daughter of the petitioner Ms.Mohanapriya, aged 19 years before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.C.Saikrishna
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John, Advocate for R1 & R2 Mr.M.Govindarajan, for R3

ORDER

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

This order will now dispose of the captioned matter.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 02.03.2023 and a scanned reproduction of the same is as follows:



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M.SUNDAR.J.
and
M.NIRMAL KUMAR.J.

(Order of the Court was made M.SUNDAR.J.)

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity and convenience] has been filed by the petitioner saying that her daughter xxxx [we are not mentioning the name with the intention of masking and we shall refer to her as 'absentee' for convenience], who is pursuing her 2nd year Science course [Bachelor's Degree] in a College and a day scholar went missing on and from 05.12.2022. An FIR in the jurisdictional Police Station [second respondent] has been lodged and the same is FIR No.447 of 2022 ['WOMAN MISSING']. To be noted, even according to the petitioner the absentee is 19 years old and is therefore a major.

2.Learned Additional Public Prosecutor who accepted notice on behalf of respondents 1 and 2 submits that preliminary investigation revealed that the absentee may have gone somewhere to the western part of the State with the third respondent. It is submitted by the learned

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Prosecutor that they are trying to zero in on the third respondent and the absentee.

3.Be that as it may, the 4th respondent who is the father of the third respondent and the 5th respondent who is the friend of the third respondent have been duly served and Mr.M.Praveen Kumar, learned counsel representing respondents 4 and 5 is before us.

4.Learned Additional Public Prosecutor on instructions requests for four weeks time to carry the exercise on hand to its logical end. Request acceded to. In the interregnum, let the respondents 4 and 5 file a counter affidavit, if so desired and if so advised. Though obvious, respondents 4 and 5 will have to necessarily co-operate with the Police in the exercise on hand.

5.In the interregnum, if the absentee is located it is open to the parties to mention the matter.

6.List four weeks hence. List on 30.03.2023.



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3. Aforementioned earlier proceedings is telltale qua the crux of the matter as well as the trajectory the matter has taken in being listed today. To be noted, as regards listing today, advertent to paragraph No.5 of the previous proceedings, learned Additional Public Prosecutor, instructed by Mr.P.Palanivel (SI), Naagoor Police Station, mentioned the matter saying that the absentee has been located.

4. The matter was listed at the request of both sides, Mr.C.Saikrishna, learned counsel on record for the petitioner, petitioner, Mr.R.Muniyapparaj, learned Additional Public Prosecutor for respondents 1 and 2 (official respondents), Mr.M.Govindarajan, learned counsel for the third respondent and third respondent are before us.

5. To be noted, though a counsel (Mr.M.Praveen Kumar) represented (in the previous listing) on instructions from the respondents 4 and 5 this learned counsel or any one representing learned counsel is not before us. It is further to be noted that no one was before us both in the first call (Forenoon) and second call (Afternoon). Be that as it may, we had a short interaction with the absentee, third respondent and petitioner in that order one after the other. It comes to light that the absentee and third respondent



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are married, the date of marriage is 05.12.2022 and we are informed that the marriage was solemnized at Kanur Pillaiyar Temple, Nagapattinam District.

6. At the request of the petitioner, there was an interaction between the petitioner and the absentee with adequate privacy albeit in Court Hall. This was during the lunch session. Post lunch session, the position is no different i.e., absentee said that she is married to third respondent and that she would go with the third respondent. Absentee is a major. Third respondent is also a major.

7. In the light of the narrative thus far, as it is not a case of illegal detention or illegal custody, we deem it appropriate to not to embark upon a habeas corpus legal drill. This means curtains are down on the captioned HCP.

8. The sequitur is, captioned HCP is disposed of as closed.

(M.S.,J.)

(N.A.V.,J.)

23.03.2023

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Speaking

Neutral Citation : Yes

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High Court, Madras.



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M.SUNDAR, J.,
and
N.ANAND VENKATESH, J.,

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