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H.C.P.No.239 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.239 of 2023

Murugan

.. Petitioner

Vs.

1.Superintendent of Police,
Kallakurichi District.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce the petitioner minor daughter namely M.Priya [16 Years] D/o.Murugan and hand over the custody of the petitioner.

For Petitioner : Mr.A.Gowtham

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

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ORDER

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

This order will now dispose of the captioned Habeas Corpus Petition [hereinafter 'HCP' for the sake of convenience and brevity].

2.This order has to be read in conjunction and in continuation of earlier proceedings made in the previous listing on 01.03.2023, which reads as follows:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 15.02.2023, which reads as follows:

'Mr.A.Gowtham, learned counsel for petitioner instructed by petitioner is before us.

2. The grievance of the petitioner is, his minor daughter (hereinafter referred to as 'absentee' for the sake of convenience and for the purpose of masking) aged 16 years and studying XI Standard went missing on 22.01.2023, a complaint was lodged with the second respondent and an FIR vide Crime No.59 of 2023 [FIR No.59 of 2023] was registered but notwithstanding the time consumed thereafter, the



minor girl is yet to be found/located. It is submitted by learned counsel for petitioner that it is the apprehension of the petitioner that she might have been illegally detained.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, who accepts notice for both the respondents, submitted that a special team has been formed and investigation is underway. Learned Additional Public Prosecutor submits that they should be able to conclude or make a break through within a fortnight. Before the next listing, if there is any break through, it is open to the learned Additional Public Prosecutor or petitioner counsel to mention before us.

List a fortnight hence. List on 01.03.2023.'

2.Today, Mr.E.Elavazhagan, learned counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents are before us.

3.Adverting to the earlier proceedings, learned Additional Public Prosecutor submits on instructions that investigation is under way and requests for further time.

4.Taking into account the sum totality of all aspects of



the matter, we deem it appropriate to have the matter escalated to the first respondent and therefore, we further deem it appropriate to direct the first respondent to file a report by next listing. It is made clear that the report shall be both Status report and an Action Taken Report [ATR] with supporting documents.

5.List three weeks hence. List on 23.03.2023.'

3.The aforementioned earlier proceedings has to be read as an integral part and parcel of this order and therefore, the short forms, abbreviations and short references used in the previous proceedings will continue to be used in this order also.

4.Today, the petitioner along with his spouse Mrs.Selvi, counsel for petitioner Mr.A.Gowtham, Mr.R.Muniyapparaj, learned Additional Public Prosecutor for both the respondents and the second respondent i.e., Inspector of Police, Sankarapuram Police Station are before us.



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5. Adverting to the aforementioned earlier proceedings made in the previous listing, learned Additional Public Prosecutor submitted that the absentee has since been located and the absentee was presented before us. The petitioner and her spouse i.e., parents of absentee had interaction with the absentee. This Bench also had the benefit of interaction with the absentee and her parents. The absentee who interacted with us [not in the presence of parents or any others] stated that she would like to go with her parents. The parents also in a separate interaction mentioned that they would take adequate care of the absentee and would ensure that she pursues her education. This drops the curtains on the captioned HCP as it is not a case of illegal detention or illegal custody.

6. However, we make it clear that the aforementioned Crime No.59/2023 [FIR No.59/2023] dated 25.01.2023 on the file of the second respondent will be carried to its logical end and the rights and contentions of all concerned qua this FIR are preserved in these proceedings. In other words, we make it clear that we have not expressed any view or opinion qua the aforementioned FIR and this order is made for the limited purpose of



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giving quietus to the captioned HCP.

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7.In the light of the narrative thus far, captioned HCP is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

14.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

cse



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



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

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