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H.C.P.No.330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.330 of 2023

Lenin

S/o.Periyasamy

..

Petitioner

Vs.

1. The Superintendent of Police
Perambalur
Perambalur District.

2. The Inspector of Police
Mangalamedu Police Station
Perambalur District.

3. Sridhar
S/o.Ashokraj

..

Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to to direct the 1st and 2nd respondent police to produce the body or person of the petitioner's daughter namely, xxx aged about 23 years before this Hon'ble Court from the illegal captivity of the 3rd respondent and set her at liberty.

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For Petitioner : Mr.S.Chendur Eashwaran
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John, Advocate

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] is predicated on a complaint that one 'xxx' [hereinafter be referred to as 'absentee' for the sake of convenience and clarity as we are masking the name], who is daughter of the petitioner is missing from 04.01.2023.

2. Mr.S.Chendur Eashwaran, learned counsel on record for petitioner submits that the absentee was married to third respondent on 08.07.2019 [more than 3 1/2 years ago].

3. In the affidavit, the date of marriage is mentioned as 08.07.2017. Learned counsel submits that this is a small mistake. We need to highlight that HCP is high prerogative writ and it is necessary that such factual details are correctly set out in HCP.



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H.C.P.No.330 of 2023

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

mk

To

1. The Superintendent of Police
Perambalur
Perambalur District.
2. The Inspector of Police
Mangalamedu Police Station
Perambalur District.
3. The Public Prosecutor
High Court, Madras.

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Addendum

H.C.P.No.330 of 2023

M.SUNDAR, J.,

and

M.NIRMAL KUMAR, J.,

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

Captioned matter is listed under the cause list caption 'FOR BEING MENTIONED' at the instance of Mr.S.Chendur Eashwaran, learned counsel on record for petitioner.

2. To be noted, captioned HCP was disposed of by this Court in and by an order dated 06.03.2023 and paragraph No.2 of this 06.03.2023 order reads as follows:

'2. Mr.S.Chendur Eashwaran, learned counsel on record for petitioner submits that the absentee was married to third respondent on 08.07.2019 [more than 3 1/2 years ago].'

3. Learned counsel for petitioner, adverting to paragraph No.3 of the support affidavit of HCP submits that an error has crept in qua paragraph No.2 of the order dated 06.03.2023. Learned counsel submits that the absentee was married to petitioner's sister's son one Udhayakumar and not

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third respondent. Learned counsel for petitioner requests for factual correction in this regard.

4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor submits that there is no objection for this factual correction.

5. In the light of paragraph No.3 of the support affidavit and what unfurled before us, paragraph No.2 of 06.03.2023 order will now read as follows:

'2. Mr.S.Chendur Eashwaran, learned counsel on record for petitioner submits that the absentee was married to petitioner's sister's son one Udhayakumar on 08.07.2019 [more than 3 1/2 years ago].'

6. In all other aspects, the order dated 06.03.2023 will remain the same. The original order made on 06.03.2023 and this order as an addendum shall now be uploaded together.

No further orders are necessary.

[M.S.J.,]

[M.N.K.J.,]

29.03.2023

mk

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

mk

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