



H.C.P.No.283 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.283 of 2023

Chennammal
W/o.Rajkumar

.. Petitioner

Vs.

1.State represented by its
The Superintendent of Police,
Krishnagiri District.

2.State represented by its
The Inspector of Police,
All Women Police Station,
Uthangarai, Krishnagiri District.

3.M.Muthukumar
S/o.Murugan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the body of the petitioner's minor daughter, namely, Ms.Durga, aged 17 years, D/o.Rajkumar-Chennammal, before this Court and hand over to the petitioner.



H.C.P.No.283 of 2023

For Petitioner : Mr.I.Siddiq
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
M. Sylvester John, Advocate

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 brevity and convenience].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous two listings on 24.02.2023 and 14.03.2023, which read as follows:

Proceedings dated 24.02.2023:

'Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed stating that the petitioner's minor daughter xxxx (we are masking the name of the minor) aged about 17 years, who shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity is missing from 11.01.2023. It is stated that it is believed that the absentee is in illegal custody of third respondent (private respondent). This submission is made by Mr.T.Arockia Dass, learned counsel of M/s.Dass and Viswa Associates (Law Firm) for petitioner.

2. Mr.R.Muniyapparaj, learned Additional Public Prosecutor accepts notice for respondents 1 and 2 (official respondents). Learned Prosecutor submits that an FIR in Crime No.2 of 2023 has



been registered on 12.01.2023 on the file of second respondent police and adequate steps have been taken to locate the absentee. Learned Prosecutor requests for some more time to carry the matter to its logical end. Be that as it may, learned Additional Public Prosecutor, on instructions from second respondent police submits that the absentee on 15.11.2022 called child helpline and complained that her mother and father are arranging for a marriage. It is further submitted by learned Prosecutor on instructions that a statement was obtained in writing from parents of the absentee that they would not embark on such child marriage adventures. However, they later appear to have repeated the venture. If that be so, it is open to the respondent police to proceed in accordance with law.

3. Be that as it may, as regards locating the minor, let the needful be done as expeditiously as possible.

4. List a fortnight hence. List on 10.03.2023.'
Proceedings dated 14.03.2023:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 24.02.2023.

2. Today, Mr.T.Arockia Dass, learned counsel for M/s.Dass and Viswa Associates (Law Firm) for the petitioner submits that the date of birth of the absentee is 03.07.2005. This submission is recorded. This means that the absentee is still a minor.

3. Pursuant to earlier proceedings made in the previous listing on 24.02.2023, learned State Additional Public Prosecutor has filed a status report dated 15.03.2023 (status report from second respondent Inspector of Police). Adverting to status report, learned State Additional Public Prosecutor submits that they will be able to zero in and carry the matter to its logical end if two weeks time is given. Request acceded to.

4. List a fortnight hence. List on 28.03.2023.'

3. As the above proceedings has to be read as an integral part and



H.C.P.No.283 of 2023

parcel of this order, all short references/abbreviations and masked references used in the previous proceedings will continue to be used in this order also for the sake of convenience and clarity.

4. Today, Mr.I.Siddiq, learned counsel on record for petitioner [mother of absentee] and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, for respondents 1 and 2 [official respondents], are before us.

5. Pursuant to the aforementioned orders, learned Prosecutor submits that the absentee was since located and the absentee is before us. To be noted, the petitioner, who is absentee's mother is also before us. On an interaction with the absentee and her mother (petitioner), it comes to light that the absentee would now go with her mother. The petitioner submits that she will provide adequate care for the minor absentee and she will do all that is necessary as a care giver/parent.

In the light of the narrative thus far, curtains are down on the



H.C.P.No.283 of 2023

captioned HCP. Recording what unfurled before us and the trajectory the matter has taken, (which has been captured primarily in the previous proceedings and today's order) the captioned HCP is disposed of as closed.

(M.S., J.) (N.A.V., J.)
23.03.2023

Index : Yes
Speaking Order
Neutral Citation : Yes

gm

To

- 1.The Superintendent of Police,
Krishnagiri District.
- 2.The Inspector of Police,
All Women Police Station,
Uthangarai, Krishnagiri District.
- 3.The Public Prosecutor
High Court, Madras.



WEB COPY



H.C.P.No.283 of 2023

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

gm

H.C.P.No.283 of 2023

23.03.2023