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H.C.P.No.268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.268 of 2023

G.Agila

W/o.Gunasekaran

.. Petitioner

Vs.

1. The State rep. By
The Commissioner of Police
Office of the Commissioner
Tambaram

2. The State rep. By
The Inspector of Police
Thazhambur Police Stationi
Pallikaranai
Chengalpattu District

.. Respondents

Petition filed under Article 226 of the Constitution of India seeking a direction to the respondents to produce the petitioner's daughter xxx, aged 19 years or her body before this Court and set her at liberty.

For Petitioner : Mr.K.M.S.Muthukumaran

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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed saying that the petitioner's daughter 'xxx' (we are masking the name and petitioner's daughter and from hereon she shall be referred to as 'absentee' for the sake of convenience) is missing from 25.12.2022.

2. To be noted, the absentee is a major, she is 19 years old and is pursuing BDS (Bachelor in Dental Surgery course) in a private college in Thazhambur, Chennai.

3. Be that as it may, the petitioner has lodged a police complaint with the second respondent and an FIR has been registered vide Crime No.370 of 2022 dated 27.12.2022.

4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, who accepts notice on behalf of both the respondents, submits that preliminary investigation reveals that absentee had earlier been in a relationship with



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one individual and on this occasion, she has left the hostel on her own volition.

5. We find that even according to the captioned HCP, it is not the petitioner's case that the absentee is in illegal custody of any one. To be noted, there is no private respondent in the captioned HCP.

6. As a complaint has been preferred and an FIR has been registered, it is for the second respondent police to pursue the investigation and carry it to its logical end. Petitioner can also pursue the complaint and work out legal remedies in appropriate Court/fora. All the rights of the petitioner in this regard are preserved.

7. As it is not a case of illegal detention, captioned HCP is disposed of as closed albeit preserving the rights of the petitioner in the aforesaid manner.

(M.S.,J.)

(M.N.K.,J.)

21.02.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

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To

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1. The Commissioner of Police
Office of the Commissioner
Tambaram
2. The Inspector of Police
Thazhambur Police Station
Pallikaranai
Chengalpattu District
3. The Public Prosecutor
High Court, Madras.



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

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