



H.C.P.No.362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.362 of 2023

Mageswari

W/o. Dhanasekar

..

Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai
Vepery, Chennai – 7

2. Inspector of Police
K-1, Sembiam Police Station
Perambur, Chennai - 11

..

Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the second respondent to produce the petitioner's daughter 'xxx' aged 18 years, daughter of Dhanasekar before this Court and set her at liberty.

For Petitioner

:

Mr.N.Selvarajan

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For Respondents : Mr.S.Raja Kumar
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 stating that petitioner's daughter 'xxx' (we are masking the name and we shall refer to petitioner's daughter as 'absentee' for the sake of convenience and clarity) who has completed 18 years and is therefore a major did not return home on 18.01.2023 and she is missing.

2. Mr.N.Selvarajan, learned counsel for petitioner submits that a complaint in this regard has been lodged with the second respondent police station and the same has been registered as Crime No.12 of 2023. It is submitted that a further complaint was lodged with the first respondent on 22.02.2023.

3. Though it is alleged that absentee might have gone away with one Balaji, the said Balaji has not even been arrayed as co-respondent in the captioned HCP.



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4. Be that as it may, Mr.S.Raja Kumar, learned State Additional Public Prosecutor, who accepts notice on behalf of both the respondents, submits that investigation pursuant to aforementioned complaint is underway and the respondents are in the process of zeroing in on the absentee.

5. Let the second respondent police continue with the investigation and carry the same to its logical end in accordance with law. We are informed that this is not a case of illegal detention and we also find that the absentee is a major. Therefore, we do not want to embark upon a habeas corpus legal drill and we are of the view that it would suffice to say that second respondent shall carry the investigation to its logical end in accordance with law. We make it clear that we are not expressing any view or opinion on the allegation against Balaji as he is not before us.

Captioned HCP disposed of as closed with the aforementioned observation.

(M.S.,J.)

(M.N.K.,J.)

13.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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

gpa

To

1. The Commissioner of Police
Greater Chennai
Vepery, Chennai – 7
2. Inspector of Police
K-1, Sembiam Police Station
Perambur, Chennai - 11
3. The Public Prosecutor
High Court, Madras.

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