



WEB COPY



H.C.P.No.386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.386 of 2023

Samayampal

W/o.Chitrarasu

..

Petitioner /

Mother of the victim

Vs.

State rep. By

1. The Superintendent of Police
District Superintendent of Police
Ariyalur

2. The Inspector of Police
Thoothur Police Station
Ariyalur District

3. Jeyapaul

.. 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', daughter of Chitrarasu, aged 20

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years, who is now illegally detained by the third respondent before this Court and set her at liberty.

For Petitioner : Ms.Nethra
for Mr.K.Gandhi Kumar

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' ['HCP' for the sake of brevity] has been filed saying that the petitioner's daughter 'xxx' (we are masking the name and we shall be referring the petitioner's daughter as 'absentee' for the sake of convenience) left home for work on 25.09.2022 but did not return.

2. Ms.Nethra, learned counsel representing the counsel on record for petitioner submits that a complaint was filed with the jurisdictional police station on 02.10.2022 and an FIR was registered vide Crime No.63 of 2022.



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3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, assisted by Mr.M.Sylvester John, Advocate, who accepts notice on behalf of Respondents 1 and 2 (official respondents) submits that the aforementioned complaint set in motion triggered an investigation, it came to light in the investigation that the absentee has married the third respondent and the absentee is with the third respondent at the address given in the cause title. It is submitted that it is not a case of illegal detention or illegal custody as both absentee and third respondent who are both majors have come before the police authorities and have given a statement that they are happily married and they are living at the address of the third respondent given in the cause title.

4. From the narrative thus far, it comes to light that it is not a case of illegal detention. Therefore, we do not intend to embark upon a habeas corpus legal drill.

5. However, we make it clear that all the rights and contentions of all the parties, namely petitioner, third respondent, absentee and all other concerned are preserved if there are other legal proceedings in this regard.



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6. In the light of the narrative thus far, captioned HCP disposed of as closed albeit preserving the rights of all concerned in the aforesaid manner.

(M.S.,J.)

(M.N.K.,J.)

15.03.2023

Index : Yes / No

Neutral Citation : Yes / No

gpa

To

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



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

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