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H.C.P.No.323 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.323 of 2023

A.Murugesan

.. Petitioner

Vs.

1. State
Represented by
The Superintendent of Police,
Namakkal District,
Namakkal.

2. State
Represented by the Inspector of Police,
Mohanur Police Station
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the body of Ms.Hemadarshini, aged 15 years, elder daughter of the petitioner herein, before this Hon'ble Court and hand over her to the petitioner.

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For Petitioner : Mr.K.Venkatesan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

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 convenience and clarity].

2. This order has to be read in conjunction with and in continuation of
earlier proceedings made in previous listing on 02.03.2023 which reads as
follows:

*'Captioned 'Habeas Corpus Petition' ['HCP' for the sake
of convenience] has been filed with a complaint that
petitioner's daughter 'xxx' [we are masking the name and
petitioner's daughter shall be referred to as 'absentee'] aged
15 years and studying X standard in a school is missing from
17.02.2023. It is submitted that a complaint has been lodged
in Mohanur Police Station in Namakkal District and FIR*



No.32 of 2023 dated 18.02.2023 has been registered saying 'GIRL MISSING'.

2. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepted notice on behalf of both the respondents on instructions submitted that it appears that absentee was friendly with one Mr.Manoj Kumar and it is quiet likely that the absentee has moved out of the jurisdiction of 2nd respondent with the said Manoj Kumar. Be that as it may, investigation is underway is learned Prosecutor's say. On prima facie facts emerging from preliminary investigation, it comes to light that the absentee is not in illegal custody with anyone is also learned Prosecutor's further say. However, learned Prosecutor requests for some time to complete this exercise. We are inclined to accede this request with a caveat that if the absentee is secured in the interregnum, the matter shall be mentioned before us.

3. List three weeks hence. List on 23.03.2023.'

3. The aforementioned proceedings shall read as an integral part and parcel of this order.



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4. The aforementioned proceedings dated 02.03.2023 is telltale quacru x and factual matrix as well as the trajectory the matter has taken before us.

5. Today, Mr.K.Venkatesan, learned counsel for petitioner and learned Additional Public Prosecutor are before us. To be noted, the petitioner along with his spouse (Indra) and the absentee are present before us. As regards the absentee, learned Additional Public Prosecutor submits that the absentee, who is a minor, wants to go with her parents. Learned Additional Public Prosecutor also submits on instructions that Mr.Manoj Kumar referred to in the previous proceedings has been remanded to judicial custody and legal proceedings are underway. We express no opinion on the same and all the rights and contentions of Mr.Manoj Kumar (who is not before us) as well as all concerned are preserved.



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6. In the light of the narrative thus far, captioned HCP is disposed of
as closed.

(M.S.,J.)

(M.N.K.,J.)

07.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

rsi

To

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

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and
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