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H.C.P.No.331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.331 of 2023

Valli

.. Petitioner

Vs

1.The Superintendent of Police,
Cuddalore District, Cuddalore.

2.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus to direct the
respondents to produce the petitioner's daughter XXX, aged about
26 years and produce her before this Court.

For Petitioner : Mr.D.Ashok Kumar

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



H.C.P.No.331 of 2023

ORDER

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

This order will now dispose of captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of convenience and clarity). This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 03.03.2023 which reads as follows:

'Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed saying that the petitioner's daughter 'XXX' (we are not mentioning the name with the intention of masking and petitioner's daughter shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity) is missing from 13.02.2023.

2. Mr.D.Ashok Kumar, learned counsel for petitioner, submits that the absentee is an Advocate by avocation and owing to she missing from 13.02.2023, a complaint has been lodged with the second respondent police on 17.02.2023 and a Community Service Register being CSR No.97/2023 has been issued.

3. As the captioned matter is a HCP, our primary concern is whether the absentee is in illegal custody/detention.

4. Be that as it may, Mr.R.Muniyapparaj, learned State Public Prosecutor assisted by Mr.M.Sylvester John, who accepts notice on behalf



of both respondents, submits, on instructions, that the absentee was last seen in the Court on 13.02.2023. Thereafter, when investigation was kick started pursuant to the aforementioned 17.02.2023 complaint, it came to light that the absentee is married to one 'XXX' (hereinafter referred to as 'absentee's spouse' for convenience) and she has also written a letter dated 20.02.2023 to her parents in this regard. To be noted, a copy of letter dated 20.02.2023 has been annexed to the typed set of papers by the petitioner herself.

5. As our primary concern is whether the absentee is in illegal custody, we direct the respondents to file a status report on this aspect of the matter by next listing. In the interregnum, if the absentee is located, it is open to both sides to mention the matter before this Court.

List a fortnight hence. List on 17.03.2023.'

2. Today, the petitioner, petitioner's counsel Mr.D.Ashok Kumar, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for the respondents and the absentee are before us.

3. There is no dispute that the absentee is married and the marriage registration certificate also has been placed before us. The date of marriage is 23.03.2023 and it is a self-respect marriage. As the names have been masked, we refrain



H.C.P.No.331 of 2023

from scanning and putting in the marriage registration certificate.

We are also informed that the absentee wants to be with her spouse and continue the marital relationship. This drops the curtains on the captioned HCP.

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

(M.S.,J.) (M.N.K.,J.)
27.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 2.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.



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and
M.NIRMAL KUMAR, J.,**

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