



WEB COPY



H.C.P.No.328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.328 of 2023

Thangaraj
S/o.Rasu

.. Petitioner

Vs.

1. The Commissioner of Police
Thiruppur City
Thiruppur.
2. The Inspector of Police
Velampalayam Police Station
Thiruppur District.

.. 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 person or body of the detenue xxxx, daughter of Thangaraj, aged about 20 years before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.R.Amardeep
For Respondents	:	Mr.R.Muniyapparaj
		Additional Public Prosecutor
		Assisted by
		Mr.M.Sylvester John, Advocate

Page Nos.1/5



WEB COPY



H.C.P.No.328 of 2023

ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed by father of one xxxx [hereinafter 'absentee' for the sake of convenience and clarity and we are masking the name] stating that she was staying in a hostel of a textile shop / company where she was working and she is missing from 27.01.2023.

2. Mr.R.Amardeep, learned counsel on record for the petitioner submits that a complaint has been given on the file of second respondent police (jurisdictional police station) and the same has been taken on record in Crime No.83 of 2023 on 28.01.2023.

3. We are informed by the learned counsel for the petitioner that the date of birth of absentee is 21.05.2003. This means that the absentee is a major.



H.C.P.No.328 of 2023

4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel who accepts notice for both the respondents submits that the absentee got married to one Sakthivel and it is not a case of kidnapping or illegal detention. Learned Prosecutor, on instructions submits that the said Sakthivel filed anticipatory bail petition in CrI.O.P.No.3046 of 2023, both Sakthivel and absentee appeared before Hon'ble single Judge on 13.02.2023 and anticipatory bail was granted.

5. Mr.H.Thameen Ansari (Enroll No.891 of 2017) with address for service at No.75, Additional Law Chambers, High Court Buildings, Chennai-600 104 is before this Court on behalf of Sakthivel. To be noted, Sakthivel has not been arrayed as respondent in this case.

6. Be that as it may, Mr.H.Thameen Ansari, learned counsel for Sakthivel submits that Sakthivel undertakes to come before the jurisdictional police station in the ensuing week (on or before 13.03.2023) and it is open to the parents of absentee also to come before jurisdictional police station.



H.C.P.No.328 of 2023

7. From the narrative thus far, it is clear that it is not a case of illegal detention or illegal custody. Therefore, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of all the parties to pursue appropriate remedy in the jurisdictional Court / Courts or Forum / Fora. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

06.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

mk

To

1. The Commissioner of Police
Thiruppur City
Thiruppur.
2. The Inspector of Police
Velampalayam Police Station
Thiruppur District.
3. The Public Prosecutor
High Court, Madras.

M.SUNDAR, J.,
and

Page Nos.4/5



WEB COPY



H.C.P.No.328 of 2023

M.NIRMAL KUMAR, J.,

mk

H.C.P.No.328 of 2023

06.03.2023

Page Nos.5/5