



H.C.P.No.338 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.338 of 2023

Kaleeswari
W/o.Kamaraj

.. Petitioner

Vs.

1. The Superintendent of Police
Namakkal District
Namakkal.

2. The Inspector of Police
Rasipuram Police Station
Rasipuram
Namakkal District.

3. Gunaseelan
S/o.Venkatesh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to to direct the 2nd respondent to secure and produce the body or person of the petitioner's daughter xxx, D/o.Kamaraj, aged 22 years before this Hon'ble Court, illegally detained by the 3rd respondent and set her at liberty forthwith.

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For Petitioner : Mr.M.Tamilpriyan
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' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed by mother of 'xxx' [hereinafter 'absentee' for the sake of convenience and clarity as we are masking the name] saying that the absentee who is a major [aged about 22 years studying M.Sc., final year in a City College] is missing from 18.01.2023. The petitioner has arrayed one individual as third respondent (private respondent).

2. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of respondents 1 and 2 (official respondents) submits that the absentee and third respondent approached All Women Police Station, Rasipuram and requested for protection, petitioner's parents and respondent's parents were informed, the petitioner's parents did not turn



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up but third respondent's parents turned up, protection request is being considered.

3. We find that the absentee is a major and from the narrative thus far, we also find that it is not a case of illegal detention or illegal custody. To be noted, the absentee, the petitioner and third respondent are present in Court. The petitioner and absentee had an interaction. Therefore we do not want to embark upon the habeas corpus legal drill under Article 226 of Constitution of India.

4. The sequitur is, captioned HCP is disposed of as closed making it clear that the concerned police shall continue with the investigation in accordance with law and all the rights and contentions of both parties are preserved in this regard. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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

mk

To

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

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