



H.C.P.No.345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.345 of 2023

D.Saravanan
S/o.Dharuman

.. Petitioner

Vs.

1. The State rep. by
The Superintendent of Police
Tirupathur.
2. The State rep. by
The Inspector of Police
Solaiyaar Pettai Police Station
Tirupathur District.
3. S.Vigneshwaran
S/o.Selvam
Valluvar Nagar,
Thirupathur
Thirupathur District.

.. Respondents



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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 produce the body of the petitioner's daughter namely S.Priyadharshini, aged 23 years before this Hon'ble Court from the illegal custody of the 3rd respondent herein and set her at liberty.

For Petitioner : Mr.A.R.Suresh
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 father of xxx [we are masking the name and daughter of petitioner shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity] saying that the absentee did not return home on 13.10.2022 and went missing. It is submitted that the petitioner had lodged a complaint on 14.10.2022 in second respondent police station [Solaiyaar Pettai police station].

2. Captioned HCP has been filed apprehending that the absentee is



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illegally detained by the third respondent. To be noted, third respondent is a private respondent.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepted notice on behalf of respondents 1 and 2 (official respondents) submitted on instructions that the police acted on the aforementioned 14.10.2022 complaint and it came to light that the absentee got married to third respondent at Tiruppathi on 14.10.2022. Learned Prosecutor has also placed before us the case diary. A perusal of case diary shows that the absentee has lodged a complaint in All Women Police Station, Vaniyambadi seeking protection.

4. Be that as it may, as the absentee is a major [23 years of age even according to the petitioner] and it is not a case of illegal detention or illegal confinement, we are not inclined to embark upon a habeas corpus legal drill. However, the learned Prosecutor has undertaken to give the present address of the absentee to the learned counsel for the petitioner.



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

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The Superintendent of Police
Tirupathur.
2. The State rep. by
The Inspector of Police
Solaiyaar Pettai Police Station
Tirupathur District.
3. The Public Prosecutor
High Court, Madras.

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