



H.C.P.No.377 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

H.C.P.No.377 of 2023

K.Radhika

.. Petitioner

Vs

1.The State

Rep. By The Superintendent of Police (SP),
Cuddalore Head Quarter, Pudukuppam,
Cuddalore District.

2.The State

Rep. By The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.

3.B.Poovaraga Murthi

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus to direct the 2nd
respondent police to produce the petitioner's elder daughter XXXX
aged about 26 years before this Court from the custody of the 3rd
respondent and set her at liberty.

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For Petitioner : Mr.S.Vinoth Kumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2

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 the mother of XXX (we are masking the name of the daughter of the petitioner and shall be referring to her as 'absentee') saying that the absentee is missing and the petitioner has lodged a complaint with the second respondent police in this regard on 25.02.2023.

2. Mr.S.Vinoth Kumar, learned counsel for petitioner who is before us submits that the complaint given to the second respondent police by the petitioner has been registered as Crime No.20 of 2023 for 'woman missing'. Learned counsel submits that it is the apprehension of the petitioner that the absentee is in the illegal custody of the third respondent. To be noted third respondent is a natural person and a private individual.

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3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor who accepts notice on behalf of respondents 1 and 2 (official respondents) submits on instructions that the aforementioned complaint was pursued and on preliminary investigation it comes to light that the absentee is married to third respondent. Learned State Additional Public Prosecutor submits that the marriage registration certificate has also been obtained and it comes to light that the marriage was solemnised on 23.02.2023.

4. We see from the averments of the petitioner that the absentee is a major and she is 26 years old.

5. In the light of the narrative thus far, we find that it is not a case of illegal detention or illegal custody and therefore a habeas corpus legal drill is not necessary. However, we hasten to make it clear that the second respondent police shall pursue the investigation and carry aforementioned Crime No.20 of 2023 dated 25.02.2023 to its logical end in accordance with law. Learned State Additional Public Prosecutor also submits that the second respondent would share the present address details of the absentee with the petitioner.

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6. We make it clear that we have not expressed any opinion or view on the merits of the matter and the same is recorded only for the limited purpose of disposal of the captioned HCP. This also means that the rights and contentions of all the parties concerned more particularly third respondent who is before us stand preserved.

7. Sequitur is, captioned HCP is disposed of as closed.

(M.S.,J.) (M.N.K.,J.)
14.03.2023

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The Superintendent of Police (SP),
Cuddalore Head Quarter, Pudukuppam,
Cuddalore District.
- 2.The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
- 3.The Public Prosecutor
High Court, Madras.



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

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