



H.C.P.No.387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.387 of 2023

Gurumoorthy

.. Petitioner

Vs.

1. The Superintendent of Police
Thiruvallur, Thiruvallur District

2. The Deputy Superintendent of Police
Thiruthani Range
Thiruvallur District

3. State by
The Inspector of Police
D1, Thiruthani Police Station
Thiruvallur District

4. Sathish @ Ranjith

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the third respondent herein to produce the petitioner's daughter xxx, daughter of Gurumoorthy, aged about 15 years before this Court and hand over the custody of the minor child to the petitioner herein.

For Petitioner : Mr.M.R.Elavarasan

Page Nos.1/7



WEB COPY



H.C.P.No.387 of 2023

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing of the captioned matter on 15.03.2023 and a scanned reproduction of the same is as follows:

H.C.P.No. 387 of 2023

H.C.P.No.387 of 2023

M.SUNDAR, J.,
MR.
MUNIYAPPARAJ, J.,

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

Captioned Habitual Offences Petition [HOP for the sake of brevity] has been filed saying that the petitioner's 15 year old minor daughter xxx has been making the same and we shall be referring the petitioner's daughter as 'absentee' for the sake of convenience. It is arising from 22.02.2023.

2. There is no representation for the petitioner. However, considering the nature of the matter, we deem it appropriate to hear the learned State Additional Public Prosecutor who appeared before us on behalf of Respondents 1 to 7 (official respondents).

3. Learned State Additional Public Prosecutor, on instructions, submits that it comes to light that the absentee appears to be friendly with the fourth respondent (female respondent) whom we are informed is 19 years old.



WEB COPY



H.C.P.No.387 of 2023

H.C.P.No.387 of 2023

M.SUNDAR, J.,
and
M.NIRMALKUMAR, J.,

2P3

4. Learned Prosecutor, on instructions, submits that investigation is underway and requests for four weeks to make a breakthrough. Request acceded to making it clear that if the absentee is located in the interim, the matter shall be mentioned before this Court.

5. Let the investigation progress in accordance with law.

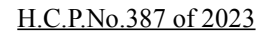
List four weeks hence. List on 12.04.2023.


(M.S.,J.)
15.03.2023


(M.N.K.,J.)

2.As the aforementioned proceedings are now to be read as an integral part and parcel of this order, the short forms, abbreviations and other masked references used in the previous proceedings will continue to be used in the instant order also.

3. Today, the matter was taken up on being mentioned by learned Prosecutor who submitted that the absentee has since been located and she is before Court. Learned Prosecutor submitted that he has also informed the learned counsel for petitioner but the petitioner counsel is not before us.



Pradhan Mantri Mudra Yojana PM - Garibhakti UNNATY KA H KANGALAI KSA, Thodu, Tadur, Tana SD	 Pradhan Mantri Mudra Yojana Pradhan Mantri Mudra Yojana Pradhan Mantri Mudra Yojana	Pradhan Mantri Mudra Yojana Pradhan Mantri Mudra Yojana Pradhan Mantri Mudra Yojana
--	---	---



H.C.P.No.387 of 2023

5. On instructions, learned Prosecutor submitted that the absentee was located in her paternal aunt's house in Pattabiram and she appears to have gone away to her paternal aunt's house because of peer pressure qua public examination (X Standard). It was submitted by learned Prosecutor on instructions that the fourth respondent has no role in the absentee going away to her aunt's house and he has not played any role. It is submitted by learned Prosecutor that it is not a case of illegal detention or illegal custody much less illegal detention by fourth respondent. This submission is recorded. To be noted, this submission is recorded as we are informed that it is a product of the investigation pursuant to the police complaint dated 24.02.2023 taken on file as Crime No.232 of 2023 on the file of third respondent police.

6. Today this Bench had interaction with the petitioner and the absentee one after the other. Both the petitioner and the absentee submitted that absentee left her parental house solely owing to peer pressure of examination (X Standard) and it was also stated by the absentee that she would now go with the petitioner and his spouse (absentee's parents) and write the examinations. The petitioner also stated that he and his spouse



H.C.P.No.387 of 2023

would be good care givers and give adequate care to the absentee.

WEB COPY

7. In the light of the narrative thus far as it is not a case of illegal custody or illegal detention, we drop the curtains on the captioned HCP.

Captioned HCP disposed of as closed.

(M.S.,J.)

(M.N.K.,J.)

11.04.2023

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

gpa

To

1. The Superintendent of Police
Thiruvallur, Thiruvallur District
2. The Deputy Superintendent of Police
Thiruthani Range
Thiruvallur District
3. The Inspector of Police
D1, Thiruthani Police Station
Thiruvallur District
4. The Public Prosecutor
Madras High Court, Chennai

Page Nos.6/7



WEB COPY



H.C.P.No.387 of 2023

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

gpa

H.C.P.No.387 of 2023

11.04.2023

Page Nos.7/7