



H.C.P.No.360 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

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

H.C.P.No.360 of 2023

V.C.Madhaiyan

.. Petitioner

Vs

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Indur Police Station,
Dharmapuri District.

3.Shabeer

.. 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 petitioner's daughter namely XXX, daughter of Madhaiyan, aged about 19 years before this Court from the illegal custody of the third respondent and set her at liberty.



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For Petitioner : Mr.J.Pradeep
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.,**]

This order will now dispose of captioned 'Habeas Corpus Petition' ('HCP' for brevity). Captioned HCP has been filed in this Court on 06.03.2023 saying that the petitioner's daughter XXX (We are masking the name of the petitioner's daughter and we shall be referring to her as absentee for the sake of convenience and for obvious reasons.) is missing. It is the further case of the petitioner that a complaint in this regard has been given in the jurisdictional police station (second respondent) on 14.02.2023.

2. Captioned HCP has been filed on the apprehension that the absentee is kept in illegal custody of third respondent (private respondent).

3. Today, the matter was mentioned by learned State Additional Public Prosecutor saying that the absentee has since been



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located. The matter was listed by way of an additional list.

Mr.J.Pradeep, learned counsel for petitioner, petitioner, petitioner's spouse and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for respondents 1 and 2 (official respondents) are before us. The absentee is also before us.

4. We had interaction with the absentee. The absentee stated that she voluntarily went before the higher police authorities and she is now before us. The absentee is a major and she is 19 years of age. The absentee says that she was born in July, 2004. The absentee also made it clear that she would like to go home with the petitioner and his spouse i.e., absentee's parents. The absentee further says that she wants to continue her education. As already alluded to supra the petitioner and his spouse are present in Court. They produced their Aadhar cards and scanned reproduction of the same are as follows:



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இந்திய அரசாங்கம்
Government of India

இந்திய அடையாள அமைப்பு ஆணையர் அமைப்பு
Unique Identification Authority of India

பதிவேட்டு எண் / Enrolment No.: 2726/11201/92590

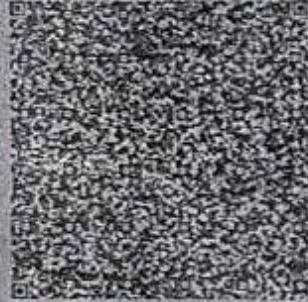
Download Date: 11/05/2021

Issue Date: 17/04/2021

To
பாரதி மாறையன்
BHARATHI MADHAIYAN
W/O: Madhayan
2/114
BANDAHALLI
Pungunatham
Pungunatham
Dharmapuri Tamil Nadu - 636803
9444785164

Signature valid

Digital Signature
AUTHORITY
Date: 17/04/2021



உங்கள் ஆதார் எண் / Your Aadhaar No. :

9512 2108 4879

VID : 9117 5965 5858 8927

எனது ஆதார், எனது அடையாளம்



Government of India



Download Date: 11/05/2021



பாரதி மாறையன்
BHARATHI MADHAIYAN
பிறந்த நாள்/DOB: 07/01/1978
பெண்/ FEMALE

Issue Date: 17/04/2021

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5. We had interacted with the petitioner and his spouse and

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they also very willingly said that they would take home the absentee and that the absentee would be pursuing her education.

6. In the light of the narrative thus far, we drop the curtains qua captioned HCP. In other words, captioned HCP is disposed of as closed making it clear that we have not expressed any opinion or view about the absentee or the third respondent in this order.

(M.S.,J.) (M.N.K.,J.)
15.03.2023

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

To

- 1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
- 2.The Inspector of Police,
Indur Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.



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

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