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H.C.P.No.447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.447 of 2023

K.Baby

W/o.Krishnan

.... Petitioner/ Mother of the detenu

Vs.

1. The Superintendent of Police
O/o.Superintendent of Police
Vellore District

2. The Inspector of Police
Pallikonda Police Station
Vellore District

.. 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 herein to produce the body or person of the petitioner daughter namely Sandhiya, Daughter of Krishnan aged 24 years before this Court and set her at liberty.

For Petitioner	:	Mr.P.Muthamizh Selvakumar
For Respondents	:	Mr.R.Muniyapparaj
		Additional Public Prosecutor
		Assisted by
		Mr.M.Sylvester John, Advocate

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ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. Captioned HCP has been filed saying that petitioner's daughter 'xxx' [we are masking the name and we shall be referring to petitioner's daughter as 'absentee' for the sake of convenience] is missing from 10.03.2023.

3. Mr.P.Muthamizh Selvakumar, counsel on record for petitioner is before us. There is no dispute that absentee is a major. To be noted, date of birth of absentee is 16.11.1999 and therefore the absentee is 23 years old as of today. It was pointed that a complaint saying that absentee is missing has been lodged by the petitioner with the jurisdictional police (second respondent) on 11.03.2023 and the same has been taken on file as Crime No.70 of 2023. We also find that the captioned writ petition has been filed in five days (to be noted, the date of filing of the writ petition is 17.03.2023).

4. We directed learned Prosecutor to accept notice and



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Mr.R.Muniyapparaj, learned State Additional Public Prosecutor accepted notice for both the respondents. On instructions, learned Prosecutor submits that investigation was kick started pursuant to aforesaid complaint of the petitioner dated 11.03.2023 and preliminary investigation reveals that the absentee was friendly with another person who was working in the same entity and it appears that the absentee has left her parental home with her friend. We refrain ourselves from expressing any opinion or view owing to the nature of the legal drill on hand.

5. Be that as it may, in the three page six paragraph support affidavit, there is no whisper of illegal detention. It is nobody's case that the absentee is in illegal custody or has been illegally detained by any one.

6. Be that as it may, learned Prosecutor also submits that it is not a case of illegal detention but in any event every effort is being made to locate the absentee and her friend.

7. Let investigation proceed on its own merits and in accordance with law. As and when the absentee is located, let the absentee be produced before the jurisdictional Magistrate. We are informed that Judicial Magistrate V, Vellore is the jurisdictional Magistrate.

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As it is not a case of illegal detention, we deem it appropriate to drop the curtains on the captioned HCP and say that captioned HCP is disposed of as closed albeit with the aforementioned observations.

(M.S.,J.) (M.N.K.,J.)
27.03.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gpa

To

1. The Superintendent of Police
O/o.Superintendent of Police
Vellore District
2. The Inspector of Police
Pallikonda Police Station
Vellore District
- 3.The Public Prosecutor
High Court, Madras.



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

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