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H.C.P.No.492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

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

H.C.P.No.492 of 2023

V.Balu

.. Petitioner

Vs

1.District Superintendent of Police,
Vengikkal, Tiruvannamalai – 606 604.

2.The Special Sub Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.

.. 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 police to produce the petitioner's daughter XXX aged
about 18 years before this Court and set her at liberty.

For Petitioner : Mr.B.Janakiram

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John



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ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of convenience and clarity).

2. Central theme of captioned HCP is petitioner's daughter 'XXX' (to be noted, we are masking the name and we shall be referring to the petitioner's daughter as 'absentee' in this order for convenience and for obvious reasons) is missing from 16.03.2023.

3. Mr.B.Janakiram, learned counsel for petitioner who is before us submits that the absentee is missing from 16.03.2023, a complaint in this regard was lodged with the second respondent jurisdictional police and the same has been taken on file vide Crime No.168 of 2023 dated 17.03.2023. To be noted, learned counsel submits that the date of birth of the absentee is 20.02.2005. This means that the absentee is a major as of today and even as of 16.03.2023 i.e., the date from which absentee is said to be missing.

4. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, who accepts notice on behalf of both respondents on



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instructions from Mr.S.Martin Joseph, Special Sub Inspector of Police, Tiruvannamalai Town Police Station, who is present in Court, submits that investigation pursuant to aforementioned 17.03.2023 complaint was commenced and preliminary investigation reveals that the absentee appears to be friendly with a 27 year old youngster and it is quite possible that the absentee has left her parental home along with the 27 year old youngster. It is submitted that the relatives of the youngster have been enquired and statements have been recorded from them. It is also submitted by the learned State Additional Public Prosecutor that a special team has been formed and that efforts to locate the absentee are underway.

5. In the light of the narrative thus far, considering that the absentee is a major and considering that this prima facie does not come across as a case of illegal detention, we deem it appropriate to drop the curtains on the captioned HCP by saying that the investigation shall proceed in accordance with law and on its own merits and on the absentee being located, the absentee shall be produced before the jurisdictional Magistrate after due intimation to the petitioner (absentee's father) about production of the absentee before the jurisdictional Judicial Magistrate. To be noted, we are informed that Judicial Magistrate II, Thiruvannamalai is the



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jurisdictional Magistrate.

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6. Let the investigation proceed in accordance with law and be carried to its logical end.

7. Before dropping the curtains on the captioned HCP, we make it clear that the respondents shall take every effort to locate the absentee as expeditiously as possible and we also make it clear that if there is undue or inordinate delay, it is open to the petitioner or anybody else concerned for the absentee to approach this Court again with same or similar prayer or in any other manner.

8. Captioned HCP is disposed of as closed albeit with the aforementioned observations. To be noted, all the rights and contentions of the petitioner or anybody else concerned for the absentee in this regard have been preserved for collateral proceedings qua investigations and further/other proceedings if any.

(M.S.,J.) (M.N.K.,J.)
31.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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To



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Vengikkal, Tiruvannamalai – 606 604.
- 2.The Special Sub Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.
- 3.The Judicial Magistrate II,
Thiruvannamalai.
- 4.The Public Prosecutor,
High Court, Madras.



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

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