



H.C.P.No.555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.555 of 2023

Thulasiraman

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Thiruvarur District.

2.Inspector of Police,
Nannilam Police Station,
Thiruvarur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent herein to produce the body or person of petitioner's daughter namely Jaigeetha D/o.Sakthivel aged 25 years before this Court and set her at liberty.

For Petitioner : Mr.P.Muthamizhselvakumar

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' ['HCP' for the sake of convenience and clarity].

2.The crux and gravamen or in other words, the central theme of the captioned HCP is, the petitioner's sister one JaiGeetha, aged 25 years is missing from 20.03.2023 and a complaint has been lodged by the petitioner with the jurisdictional police [second respondent] on 25.03.2023 vide Crime No.139/2023. The petitioner is concerned for his sister and his sister may have been illegally detained by someone in his say. To be noted, no private individual has been arrayed as co-respondent in the captioned HCP.

3.Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel accepts notice for both the respondents. Learned Prosecutor, on instructions submits that pursuant to the aforementioned complaint dated 25.03.2023 which was registered as WOMAN MISSING, investigation was kick started and preliminary



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investigation brings to light that the petitioner's sister is not in illegal custody or detention of anyone but appears to have been friendly with two other individuals. We refrain from mentioning the names of the individuals for reasons that are obvious. Learned Prosecutor submits that it does not appear to be a case of illegal detention and this emerges from preliminary investigation.

4.Be that as it may, learned Additional Public Prosecutor submits on instructions that a Special team has been formed and the jurisdictional police is likely to locate the petitioner's sister and the estimated time frame for this exercise is four weeks from today. To be noted, this is an estimate and not a rigid time frame.

5.In the light of the narrative thus far, taking into account the fact that prima facie it is not a case of illegal detention, we deem it appropriate to drop the curtains on the captioned HCP but we make it clear that on the petitioner's sister being located, she shall be produced before the jurisdictional Magistrate [we are informed that the jurisdictional Magistrate



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is JM/DM i.e., Judicial Magistrate/District Munsif, Nannilam, Tiruvarur District].

6.Before we write the operative portion, we also make it clear that if there is any undue delay in locating the petitioner's sister, it is open to the petitioner or anyone concerned for the petitioner's sister to come to this Court or approach any other Forum with a suitable petition and the rights of all concerned in this regard are preserved. Likewise, we also make it clear that if there is any other development in the matter which points towards possible illegal detention, it is open to the petitioner or anyone concerned for the petitioner's sister to come to this Court with same/similar prayer.

7.Captioned HCP is disposed of as closed albeit with the aforementioned observations and preserving the rights of all concerned in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

12.04.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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



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and
M.NIRMAL KUMAR, J.,

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