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H.C.P.No.627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.627 of 2023

Loganayaki

Wife of Selvam

.. Petitioner

Vs.

State rep. by

1. The Commissioner of Police
Commissioner Office
Greater Chennai
Vepery, Chennai-600 007.

2. Inspector of Police
K-3, Aminjikarai Police Station
Aminjikarai,
Chennai-600 029.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the body of the petitioner's daughter Sangeetha, daughter of Selvam, aged about 28 years before this Hon'ble Court and set her liberty.

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For Petitioner : No representation
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John, Advocate

ORDER

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

In the captioned 'Habeas Corpus Petition' ['HCP' for the sake of convenience and clarity], there is no representation for the petitioner.

2. Be that as it may, owing to the facts and circumstances of the case, we deemed it appropriate to hear the learned State Additional Public Prosecutor Mr.R.Muniyapparaj, assisted by Mr.M.Sylvester John, learned counsel, who was instructed by Mr.T.Kannan, Sub-Inspector of Police and Mr.T.Kirubanithi, Inspector of Police, K-3 Aminjikarai Police Station, Chennai.

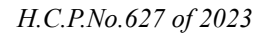
3. On instructions, learned Prosecutor submitted that the petitioner's daughter one Sangeetha is aged 29 years and her Date of Birth is 10.12.1993 [we shall hereinafter be referred the petitioner's daughter as 'absentee' for

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the sake of convenience and clarity]. Learned Prosecutor submitted that the absentee is a MBA graduate, she left the petitioner's home in November 2018 owing to some discontentment with the petitioner [we do not intend to dilate on the same], a complaint was lodged by the petitioner on 22.02.2019, the same was registered as Crime No.141 of 2019 on the file of second respondent for 'woman missing'. Pursuant to this complaint, enquiry was triggered and in the enquiry, the absentee came before the jurisdictional police and submitted that she would prefer to stay in a hostel, pursuant to which, the petitioner in captioned HCP had given a handwritten communication dated 13.09.2019 saying that she is withdrawing the complaint. This handwritten communication from the petitioner as placed before this Court is as follows:



12-2-2017

மேலாதிக்கம் 2/12
1975 செப்டம்பர்
தேசிய மன்றம்
— அமைதி, அன்பு
இருக்கட்டும் — 29

700

2. பெரிய அளவிலான அளவீடு
1. அளவீட்டின் அளவு
அளவீட்டின் அளவு

[illegible]



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[சுயம் சிவசுமாரி] பற்றிய செய்திகள் நமது கீழ்க் குறிப்பிட்ட
பெயர் கீழ்க் குறிப்பிட்ட அபிமானம் சிவசுமாரி
சுயம் சிவசுமாரி அபிமானம் உடனடியாக
செய்து கொடுக்க வேண்டும்

சுயம் சிவசுமாரி

சுயம் சிவசுமாரி

4. The jurisdictional police is taking steps to close the complaint is learned Prosecutor's say.

5. Be that as it may, from the narrative thus far, we find that this is not a case of illegal detention. Therefore, we drop the curtains on the captioned HCP albeit preserving all the rights and contentions of the petitioner, absentee or anyone concerned for absentee or parties qua this matter to come to this Court on the same issue with a suitable prayer if the need arises. We also preserve the rights of the petitioner to come to this Court again with same / similar prayer, if there is other development touching upon the illegal detention.



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mk

6. Ergo, the sequitur is the captioned HCP is disposed of as closed.

There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

20.04.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk

To

1. The Commissioner of Police
Commissioner Office
Greater Chennai
Vepery, Chennai-600 007.
2. Inspector of Police
K-3, Aminjikarai Police Station
Aminjikarai,
Chennai-600 029.
3. The Public Prosecutor
High Court, Madras.

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