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H.C.P.No.679 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI

H.C.P.No.679 of 2023

Ravi
S/o.Murugan

.. Petitioner/father of Detenu

Vs.

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

2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi.
(Crime No.185/2023)

3.Jeenith Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent herein to produce the petitioner's daughter Bairavi (aged 16 years) before this Court and hand over her custody to the petitioner.



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For Petitioner : Mr.K.Rahul
for Mr.K.Thenrajan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.N.Narkeeran, Advocate

ORDER

**[Order of the Court was made by K.GOVINDARAJAN
THILAKAVADI, J.]**

This Court, on 25.04.2023, passed the following order:

'The petitioner, father of a minor girl, lodged a complaint with the second respondent on 10.04.2023 stating that he is having two sons and one daughter, his daughter who has completed XII standard public examination and was preparing for NEET examination is found missing from 09.04.2023 and he apprehends that the third respondent might have kidnapped his daughter. Since no action was taken on the complaint, the petitioner filed the present petition.

2. *Mr.R.Muniyapparaj, learned Additional Public Prosecutor, who accepted notice on behalf of respondents submits that on receipt of the complaint, an FIR has been registered in Crime No.185 of 2023 and on enquiry it is found that the*



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petitioner's daughter was friendly with the third respondent, it is suspected that both of them might have eloped, CDR details of third respondent have been collected and it is found that the third respondent is presently near Bangalore, Special team also formed, second respondent gone to Bangalore and searching for absentee and the third respondent. Learned Prosecutor further stated that statements from five persons have been recorded, pamphlets have been issued and within a period of four weeks, the absentee would be secured.

3. This Court, finding that second respondent has already taken steps to secure the absentee, special team has also been formed and also taking note of the submission of learned Prosecutor that absentee would be secured within four weeks, is inclined to grant time for the second respondent to do the needful in this regard. Since it is the summer vacation period, in the event of absentee being secured, absentee to be produced before the jurisdictional Magistrate (we are informed that Judicial Magistrate II, Kallakurichi is the jurisdictional Magistrate) with prior intimation to the petitioner.

Post the case on 06.06.2023.'

2. In continuation and conjunction to the earlier order passed on 25.04.2023, the second respondent has secured the absentee and produced her before the learned Judicial Magistrate No.II, Kallakurichi, where the



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statement under Section 164(5) Cr.P.C. was recorded by the learned Judicial Magistrate in C.M.P.No.529 of 2023. In the statement recorded by the learned Judicial Magistrate, the absentee has voluntarily given statement stating that she on her own volition went along with the third respondent, since her family members tortured her for being in the company of the third respondent at relevant point of time. In the above statement, the absentee has shown her willingness to go along with her parents and pursue her studies.

3. Learned Additional Public Prosecutor on instructions submitted that the absentee is now under the custody of her parents.

4. In view of the above, nothing survives in this Habeas Corpus Petition and the same is closed.

(M.S.,J.) (K.G.T.,J.)
06.06.2023

Index : Yes
Speaking order
Neutral Citation : Yes
rsi



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To

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Kallakurichi.
- 2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi.
- 3.The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

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