



H.C.P.No.899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

**CORAM**

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

**and**

**THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**H.C.P.No.899 of 2023**

Chitra

..

Petitioner

Vs.

1. The State rep. by the  
The Superintendent of Police  
Salem District  
Salem

2. The Inspector of Police  
Ethappur Police Station  
Salem District

3. Marimuthu

4. Arumugam

5. Arul

6. Ajithkumar

7. Akash

..

Respondents

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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the petitioner's minor daughter S.Dharshini, daughter of Senthilkumar, aged about 16 years from the illegal custody of the respondents 3 to 7 before this Court and handover her custody to the petitioner herein.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.E.Raj Thilak  
Addl. Public Prosecutor

### **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 brevity and convenience ].

2. Short facts are that the petitioner's daughter one xxxx [we are making the name of petitioner's daughter and we shall be referring to her as 'absentee' for the sake of convenience and clarity] who is a minor is missing from 01.04.2023; that a complaint has been lodged with the jurisdictional police; that the jurisdictional police has taken the same on file as FIR No.116 of 2023 (girl missing); that the petitioner apprehending that



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absentee may have been illegally detained by private respondents 3 to 7 presented the captioned HCP in this Court on 22.05.2023; that a Hon'ble Vacation Court Bench issued notice and the matter is before us today.

3. Today, Mr.E.Kannadasan, learned counsel on record for the petitioner, absentee, Mr.E.Raj Thilak, learned Additional Public Prosecutor (instructed by Mr.S.Gunasekaran, Sub-Inspector of Police, Ethappur Police Station) for Respondents 1 and 2 (official respondents) are before us.

4. To be noted, the presence of respondents 3 to 7 are really not necessary for disposal of captioned HCP as the absentee has since been produced before the jurisdictional Judicial Magistrate [to be noted, jurisdictional Judicial Magistrate is Judicial Magistrate I, Attur, Salem District]. The Judicial Magistrate has recorded the statement of the absentee and the absentee is now with the petitioner (absentee's mother). The statement recorded by the jurisdictional Judicial Magistrate has been placed before us. We find that the absentee has expressed willingness to go with her mother (to be noted, the statement has been recorded on 18.08.2023) and the absentee continues to be with her mother. Petitioner and absentee who are in Court also reiterate the statement given by the



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absentee and confirm the position that the absentee is with the mother. This is the reason why we recorded that the presence of Respondents 3 to 7 is really not necessary for disposal of captioned HCP.

5. Recording the aforementioned obtaining position, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of the petitioner, Respondents 3 to 7 and the absentee as regards investigation if any and / or connected/collateral proceedings (if any) before any other Court/s/Forum/Fora/Authority/Authorities.

Captioned HCP is disposed of as closed albeit with the aforementioned observations and preservation of rights in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)  
21.08.2023

gpa

To

1. The Superintendent of Police  
Salem District  
Salem
2. The Inspector of Police  
Ethappur Police Station  
Salem District
3. The Public Prosecutor  
Madras High Court

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**M.SUNDAR, J.,**  
**and**  
**R.SAKTHIVEL, J.,**

gpa

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