



H.C.P.No.924 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mr.JUSTICE R.SAKTHIVEL

H.C.P.No.924 of 2023

Valli

.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. By its Superintendent of Police
Kallakurichi District

2. The State of Tamil Nadu
rep. By its Inspector of Police
Kachirapalayam Police Station
Kallkurichi District

3. P.Krishnan

... 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 to produce the body or person of the detenu 'xxx', aged about 16 years residing at No.32, North Street, Akkarayapalayam, Vadakkanandal [TP], Chinnasalem T.K, Kallkurichi District before this Court and handover the custody to the petitioner.

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For Petitioner : Mr.K.Kumar
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' [HCP' for the sake of brevity] has been filed saying that petitioner's daughter 'xxx' [we are masking the name and shall be referring to petitioner's daughter as 'absentee' for obvious reasons and for convenience] is missing from 04.05.2023.

2. A complaint has been lodged in the jurisdictional Police Station and the same has been taken on file vide Crime No.181 of 2023 (dated 05.05.2023) and the case has been registered as 'Girl Missing'. Captioned HCP has been filed by the petitioner in apprehension that the absentee may have been illegally detained by the third respondent.

3. Today, the petitioner, Mr.K.Kumar, learned counsel for petitioner, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for Respondents 1 and 2 (official respondents) instructed by Mr.J.Balakrishnan, Inspector of Police, Kachirapalayam Police Station (second respondent) and the absentee are in this Court.



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4. We had a short interaction with the absentee and what emerges from the interaction and material before us is as follows:

i) Absentee is clearly a minor having been born in July of 2006;

ii) Absentee who was away and was friendly with the third respondent now wants to go with her mother;

iii) The medical examination report of the absentee shows that she is normal;

iv) Absentee does not want criminal action against the third respondent;

v) In the light of the narrative thus far, the absentee will now go with her mother and as regards the case against the third respondent, the circular memorandum dated 03.12.2022 bearing reference Rc.No.009464/Crime-4(3)/2022 issued by Director General of Police, Tamil Nadu, applies in all fours to this case and the same shall be applied.

5. As this is not a case of illegal detention, we drop the curtains on



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captioned HCP making it clear that all the rights and contention of all the parties, more particularly the petitioner, absentee, the third respondent and any other person concerned with the matter are preserved for other proceedings , criminal proceedings and collateral / connected proceedings, if any.

Captioned HCP disposed of as closed.

(M.S.,J.)

(R.S.V.,J.)

19.06.2023

gpa

To

1. The Superintendent of Police
Kallakurichi District
2. The State of Tamil Nadu
rep. By its Inspector of Police
Kachirapalayam Police Station
Kallkurichi District
3. The Public Prosecutor
Madras High Court, Chennai



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

gpa

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