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H.C.P.No.1011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1011 of 2023

Murugan
S/o.Narayanan

.. Petitioner

Vs.

1. The Superintendent of Police
Chengalpattu District.
2. The Sub Inspector of Police
G7, Acharapakkam Police Station
Acharapakkam
Chengalpattu District.
3. Chittu Kumar
S/o.Shabu Sah

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the records in Crime No.186 of 2023 dated 02.06.2023 on the file of the 2nd respondent and direct the respondents herein to produce the petitioner's daughter xxxxx,

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aged about 17 years and 9 months from the illegal custody of the 3rd respondent and produce before this Hon'ble Court and hand over to the petitioner.

For Petitioner : Mr.T.Vijayaraghavan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed in this Court on 06.06.2023.

2. Short facts shorn of elaboration are that the petitioner's daughter 'xxxxx' [we are masking the name of the petitioner's daughter and we shall be referring to petitioner's daughter as 'absentee' for obvious reasons and for the sake of convenience and clarity] is missing from 01.06.2023; that the petitioner has lodged a complaint with the jurisdictional police namely, G-7, Acharapakkam Police Station; that the jurisdictional police have registered the complaint vide Crime No.186 of 2023 dated 02.06.2023; that an FIR for 'girl missing' has been registered; that the captioned HCP has been filed on



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the apprehension that the absentee may be in illegal detention of third respondent.

3. Issue notice.

4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for respondents 1 and 2 (official respondents).

5. In the light of the order we propose to make, we are of the view that it is not necessary to issue notice to third respondent. In this view of the matter, we are also making it clear that all the rights and contentions of the third respondent are preserved and this order will not in any manner afflict or restrict rights of the third respondent.

6. Learned Prosecutor, on instructions, [Instructed by Mr.M.Saravanan, Sub-Inspector of Police, Acharapakkam Police Station, Chengalpattu District] submits that a special team has been formed, every effort has been taken to locate the absentee, call details records have been



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obtained and special team is hopeful of carrying the investigation to its

logical end in four weeks from today i.e., by 13.07.2023.

7. Let the investigation proceed on its own merits and in accordance with law. On locating the absentee, let the absentee or anyone concerned with the matter be produced before jurisdictional Magistrate [We are informed that jurisdictional Magistrate is Judicial Magistrate, Maduranthagam] with prior intimation to the petitioner. On such production, learned Judicial Magistrate shall proceed in accordance with law.

8. If there is undue delay or if there is any other development, we make it clear that all the rights and contentions of the petitioner or anyone concerned for the absentee are preserved and left open for being raised in collateral or similar proceedings. Further we make it clear that it is open to the petitioner to come back to this Court not only with a similar but even same prayer if the need arises. All the rights of all concerned are preserved.



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WEB COPY 9. Captioned HCP is disposed of with the aforementioned observations / directives. There shall be no order as to costs.

(M.S.,J.)

(R.S.V.,J.)

15.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Superintendent of Police
Chengalpattu District.
2. The Sub Inspector of Police
G7, Acharapakkam Police Station
Acharapakkam
Chengalpattu District.
3. The Public Prosecutor
High Court, Madras.

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and
R.SAKTHIVEL, J.,

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