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H.C.P.No.1198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1198 of 2023

Senthamarai
W/o.Dharuman

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Villupuram District.

2. The Inspector of Police
Kandamangalam Police Station
Villupuram District.

..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 to produce the petitioner's daughter Mrs.Vijayalakshmi, aged about 27 years before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.A.T.Anbu Kumar
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

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ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, convenience and clarity].

2. The central theme of the captioned HCP is, petitioner's daughter one 'Vijayalakshmi, aged 27 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 24.03.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent police station), the same has been taken on record as Crime No.105 of 2023 dated 31.03.2023 on the file of second respondent police station and the absentee has not been located as yet.

3. Issue notice.

4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both respondents and submits on instructions (instructed by

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Mr.R.Vellathangam, Sub-Inspector of Police, Kandamangalam Police Station) that pursuant to the aforementioned complaint dated 31.03.2023 (Crime No.105 of 2023), investigation was kick started, a special team has been formed, a Special Sub-Inspector of Police is heading the team, investigation thus far does not show any trappings of illegal custody or unlawful detention and the jurisdictional police is hopeful of locating the absentee in six weeks from today i.e., by 22.08.2023.

5. Let the investigation proceed in accordance with law uninfluenced by this order and let the investigation be carried to its logical end.

6. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the petitioner (absentee's mother). The jurisdictional Magistrate to proceed in accordance with law when absentee is produced. We are informed that the jurisdictional Magistrate is Judicial Magistrate No.I, Villupuram.



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7. 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 / if there are other developments. All the rights of all concerned are preserved.

8. 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.)

11.07.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Superintendent of Police
Office of the Superintendent of Police
Villupuram District.
2. The Inspector of Police
Kandamangalam Police Station
Villupuram District.
3. The Public Prosecutor
High Court, Madras.

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

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