



H.C.P.No.1209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1209 of 2023

K.Amutha

.. Petitioner / Mother

Vs.

1. The Superintendent of Police
Kallakurichi District
Kallakurichi
2. The Sub-Inspector of Police
Pagandaikuttusalai Police Station
Kallakurichi District
3. E.Madhesh

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 1st and 2nd respondents police to secure the petitioner's daughter etc., K.Shanmugapriya, aged about 21 years from the illegal custody of the third respondent and produce her before this Court.



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For Petitioner : Mr.G.Balamanikandan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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 'K.Shanmugapriya aged 21 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 28.06.2023, a complaint in this regard has been lodged through online by the petitioner with jurisdictional police (second respondent) on 30.06.2023 vide Complaint Reference No.RHA23117432 and the absentee has not been located as yet.

3. Issue notice.



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4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for respondents 1 and 2 (official respondents) and submits, on instructions, that pursuant to the aforementioned complaint dated 30.06.2023, investigation was kick started and investigation thus far does not show any trappings of unlawful custody or illegal detention and the jurisdictional police is hopeful of locating the absentee in eight weeks from today i.e., by 07.09.2023 by forming a special team.

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 is requested to record statements and proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate, Sankarapuram.



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7. If there is undue delay or if there is any other development / change of circumstances, 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 in this regard 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.)

12.07.2023

Index : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

gpa



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To

WEB COPY

1. The Superintendent of Police
Kallakurichi District
Kallakurichi
2. The Sub-Inspector of Police
Pagandaikuttusalai Police Station
Kallakurichi District
3. The Public Prosecutor
High Court, Madras.



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and
R.SAKTHIVEL, J.,

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