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H.C.P.No.1235 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.1235 of 2023

Kalaivani

.. Petitioner

Vs

- 1.The Superintendent of Police,
Office of District Superintendent of Police,
Dharmapuri District.
- 2.The Deputy Superintendent of Police,
Office of District Deputy Superintendent
of Police, Palacode Taluk,
Dharmapuri District.
- 3.Inspector of Police,
Palacode Police Station,
Palacode Taluk,
Dharmapuri District.

4.Vignesh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the third respondent to produce body of the petitioner's daughter XXX, aged 20 years before this Court from the illegal custody of the fourth respondent and set her at liberty.

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For Petitioner : Mr.D.Ramesh Kumar
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 to R3

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 convenience and clarity].

2. The central theme of the captioned HCP is, petitioner's daughter 'XXX' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 04.06.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent), the same has been taken on record as Crime No.242 of 2023 on the file of second respondent and the absentee has not been located as yet.

3. Issue notice to official respondents.

4. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for for official respondents and submits on instructions



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(instructed by Mr.S.Krishnamoorthy, Special Sub Inspector of Police, Palacode Police Station) that pursuant to the aforementioned complaint dated 08.06.2023 (Crime No.242 of 2023), investigation was kick started, a special team has been formed, 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 25.08.2023.

5. Let the investigation proceed in accordance with law uninfluenced by this HCP.

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. We are informed that the jurisdictional Magistrate is Judicial Magistrate, Palacode. We make it clear that all the rights of fourth respondent (private respondent) and anyone else concerned with this case are preserved as captioned HCP is disposed of in the Admission Board albeit with notice to official respondents.



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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. 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.)
14.07.2023

Index : Yes/No
Neutral Citation : Yes/No
mmi

To

- 1.The Superintendent of Police,
Office of District Superintendent of Police,
Dharmapuri District.
- 2.The Deputy Superintendent of Police,
Office of District Deputy Superintendent
of Police, Palacode Taluk,
Dharmapuri District.

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3.The Inspector of Police,
Palacode Police Station,
Palacode Taluk,
Dharmapuri District.

4.The Judicial Magistrate,
Palacode.

5.The Public Prosecutor
High Court, Madras.



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

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