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H.C.P.No.1253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1253 of 2023

Sakthivel

.. Petitioner

Vs.

1. The Commissioner of Police
Near Albert Theatre
Next to Pantheon Road
Egmore, Chennai

2. The Inspector of Police
G3 Kilpauk Police Station
Kilpauk
Chennai

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct 2nd respondent to rescue the girl and produce his daughter xxx, aged about 20 years old girl before this Court and set her liberty.

For Petitioner : Mr.Hemnaag.I

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 'S.Swathi, aged 20 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 30.06.2023, a complaint in this regard has been lodged with jurisdictional police (second respondent), the same has been taken on record as Crime No.515 of 2023 dated 30.06.2023 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 Additional Public Prosecutor accepts notice for both respondents and submits, on instructions, that pursuant to



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the aforementioned complaint dated 30.06.2023 (Crime No.515 of 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 six weeks from today i.e., by 30.08.2023 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 father). The jurisdictional Magistrate is requested to record statements and proceed in accordance with law. We are informed that the jurisdictional Magistrate is Metropolitan Magistrate II, Egmore. We requisition a report from Metropolitan Magistrate II, Egmore, which shall be placed before us in the listing for this purpose. Registry is directed to communicate a copy of this order to learned Metropolitan Magistrate II, Egmore.



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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.)

19.07.2023

Index : Yes /No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

gpa

P.S: Though the captioned HCP has been disposed of, Registry to list the captioned HCP under the cause list caption 'FOR REPORT ' on 05.09.2023.



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To

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3. The Public Prosecutor
High Court, Madras.



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

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