



WEB COPY



H.C.P.No.1246 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.1246 of 2023

N.Rasool Beevi

.. Petitioner

Vs

1.The Assistant Commissioner of Police,
Ennore Police Station,
Kathivakkam High Road,
Chennai – 57.

2.The Inspector of Police,
M5 Ennore Police Station,
Kathivakkam High Road,
Ennore, Chennai – 57.

3.S.Santhosh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the second respondent herein to produce petitioner's daughter XXX aged about 17 years from the illegal custody of the third respondent before this Court and hand over to the petitioner.

For Petitioner : Mr.P.Stalin Selvasekaran

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 and R2

Page Nos.1/6



H.C.P.No.1246 of 2023

ORDER

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

WEB COPY

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 01.07.2023, 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.431 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 official respondents and submits on instructions (instructed by Ms.A.Anthony Matha, Sub Inspector of Police, M5 Ennore Police Station) that pursuant to the aforementioned complaint dated 01.07.2023 (Crime No.431 of 2023), investigation was kick



H.C.P.No.1246 of 2023

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, Thiruvottiyur. We requisition a report from Judicial Magistrate, Thiruvottiyur, which shall be placed before us in the next listing under cause list caption 'FOR REPORT'. Registry is directed to communicate a copy of this order to learned Judicial Magistrate, Thiruvottiyur. We make it clear that all the rights of third 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.



H.C.P.No.1246 of 2023

WEB COPY

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.

9. Though captioned HCP has been disposed of, Registry is directed to list the matter under the cause list caption 'FOR REPORT WITH STATEMENTS' on 29.08.2023.

(M.S.,J.) (R.S.V.,J.)
14.07.2023

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

Page Nos.4/6



H.C.P.No.1246 of 2023

To

- 1.The Assistant Commissioner of Police,
Ennore Police Station,
Kathivakkam High Road,
Chennai – 57.
- 2.The Inspector of Police,
M5 Ennore Police Station,
Kathivakkam High Road,
Ennore, Chennai – 57.
- 3.The Judicial Magistrate,
Thiruvottiyur.
- 4.The Public Prosecutor
High Court, Madras.



WEB COPY



H.C.P.No.1246 of 2023

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

mmi

H.C.P.No.1246 of 2023

14.07.2023

Page Nos.6/6