



WEB COPY



H.C.P.No.1314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

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

H.C.P.NO.1314 OF 2023

Murugan

.. Petitioner

Vs.

1.The Superintendent of Police
O/o. The Superintendent of Police
Coimbatore District.

2.The Inspector of Police
Mahalingapuram Police Station
Coimbatore District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of Rajalakshmi, daughter of Murugan aged about 16 years before this Court and hand over the custody with the petitioner.

For Petitioner : Mr.S.Surya

For Respondents : Mr.E.Raj Thilak
1 and 2 Additional Public Prosecutor



WEB COPY



H.C.P.No.1314 of 2023

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2.Factual matrix in a nutshell is that the petitioner's daughter one 'xxx' [we are masking the name of the petitioner's daughter and we shall hereinafter refer to her as 'absentee' for the sake of convenience, clarity and masking the name is for reasons that are obvious] is missing from 22.06.2023; that petitioner's daughter was born in April of 2007 and is therefore 16 years old now (minor); that petitioner lodged a complaint with the jurisdictional police (second respondent); that this complaint was registered as Crime No.143 of 2023; that apprehending illegal detention, captioned HCP has been filed by the petitioner in this Court on 12.07.2023.; that a co-ordinate Hon'ble Division Bench issued notice on 21.07.2023.

3.Today, petitioner, petitioner's counsel Mr.S.Surya, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for both respondents (official respondents) and absentee are before this Court.

4.The second respondent jurisdictional police has filed a status



H.C.P.No.1314 of 2023

report dated 07.08.2023.

WEB COPY

5.The status report shows that it may not be a case of illegal detention but it is a matter where a case has been registered *inter- alia* under Protection of Children From Sexual Offences Act, 2012.

6.As regards the Habeas Corpus legal drill is concerned, absentee is now going with the petitioner but the absentee shall be produced before the jurisdictional Magistrate (we are informed that the jurisdictional Magistrate is Judicial Magistrate No.II, Pollachi) and statement shall be recorded from the absentee. As regards the case registered by the jurisdictional police, let the investigation proceed in accordance with law untrammelled by this order. We are informed that this is a second episode as regards the accused but we are not expressing any view or opinion on the same, suffice to reiterate that investigation shall proceed on its own merits and in accordance with law untrammelled by this order, which has been made for the limited purpose of a Habeas legal drill.

7.Let the absentee be produced before the jurisdictional



H.C.P.No.1314 of 2023

Magistrate in the ensuing fortnight.

WEB COPY

8.Learned Judicial Magistrate No.II, Pollachi is requested to record statement/s and proceed in accordance with law.

9.Captioned HCP is disposed of as closed capturing what unfurled in the hearing today. There shall be no order as to costs.

(M.S., J.)

(R.S.V., J.)

07.08.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking / Non-speaking order
TK



H.C.P.No.1314 of 2023

To

WEB COPY

- 1.The Judicial Magistrate No.II
Pollachi.
- 2.The Superintendent of Police
O/o. The Superintendent of Police
Coimbatore District.
- 3.The Inspector of Police
Mahalingapuram Police Station
Coimbatore District.
- 4.The Public Prosecutor
Madras High Court, Chennai.



WEB COPY



H.C.P.No.1314 of 2023

M.SUNDAR, J.
AND
R.SAKTHIVEL, J.

TK

H.C.P.NO.1314 OF 2023

07.08.2023