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H.C.P.No.1330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1330 of 2023

Dr.A.Vikranth Pradeep
S/o.Dr.A.Anbalagan

.. Petitioner

Vs.

1. The Deputy Commissioner of Police
Kanathur.
2. The Inspector of Police
All Women Police Station
Selaiyur
Chitlapakkam, Selaiyur.
3. Ruhee Thabassum
D/o.Ejas Ahmed

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct second respondent herein to produce the petitioner's son minor xxxxx aged about 2 years before this Hon'ble Court and hand over the custody to the petitioner.

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For Petitioner : Mr.R.Vijayaraghavan
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 son 'xxxxx, aged 2 years' [we are masking the name of the petitioner's son and we shall be referring to the petitioner's son as 'absentee' for the sake of brevity, convenience and clarity] is in illegal custody of parents of third respondent, a complaint dated 15.05.2023 in this regard has been lodged by the petitioner with jurisdictional police (second respondent), the same has been taken on record as CSR No.193 of 2023 dated 24.05.2023 on the file of second respondent.

3. Issue notice.

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4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for respondents 1 and 2 and submits, on instructions, that pursuant to the aforementioned complaint dated 15.05.2023, 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 three weeks from today i.e., by 22.08.2023 by forming a special team. Learned Prosecutor submits that the aforementioned CSR No.193 of 2023 dated 24.05.2023 has been closed on 31.05.2023.

5. Let CSR No.193 of 2023 be reopened, 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). We are informed that the jurisdictional Magistrate is Judicial Magistrate No.I, Alandur.

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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.)

01.08.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

mk

To

1. The Deputy Commissioner of Police
Kanathur.
2. The Inspector of Police
All Women Police Station
Selaiyur
Chitlapakkam, Selaiyur.
3. The Public Prosecutor

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High Court, Madras.



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and
R.SAKTHIVEL, J.,

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