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H.C.P.No.1311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

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

H.C.P.No.1311 of 2023

Sagunthala

.. Petitioner

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Krishnagiri District, Krishnagiri.

2.The Inspector of Police,
Nallur Police Station,
Namakkal District.

3.Madhesh

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus directing the second
respondent herein to produce the petitioner's daughter XXX, aged 17
years, before this Court and to handover the custody to the petitioner.



WEB COPY



H.C.P.No.1311 of 2023

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

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 'XXX' [hereinafter 'absentee' for the sake of convenience and clarity, to be noted, name is masked] is missing from 30.06.2023, 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.102 of 2023 on the file of second respondent and the absentee has not been located as yet but captioned HCP has been filed in this Court on 13.07.2023 on the apprehension that absentee may be in illegal custody of third respondent.



H.C.P.No.1311 of 2023

WEB COPY

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 Mr.P.Selvaraju, Inspector of Police, V.G.Patti Circle, Namakkal) that pursuant to the aforementioned complaint dated 03.07.2023 (Crime No.102 of 2023), investigation was kick started, a special team has been formed, statements have been recorded from the relatives, 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 ten weeks from today i.e., by 29.09.2023.

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

6. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the HCP petitioner (absentee's mother). The jurisdictional Magistrate to



H.C.P.No.1311 of 2023

proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate, Paramathi. We requisition a report from Judicial Magistrate, Paramathi, 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, Paramathi. 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.

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 there are other developments and if the need arises. All the rights of all concerned are preserved.

8. Captioned HCP is disposed of with the aforementioned



H.C.P.No.1311 of 2023

observations / directives. There shall be no order as to costs.

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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 03.10.2023.

(M.S.,J.) (R.S.V.,J.)
20.07.2023

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

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Krishnagiri District, Krishnagiri.
- 2.The Inspector of Police,
Nallur Police Station,
Namakkal District.
- 3.The Judicial Magistrate,
Paramathi.
- 4.The Public Prosecutor,
High Court, Madras.

Page Nos.5/6



WEB COPY



H.C.P.No.1311 of 2023

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

mmi

H.C.P.No.1311 of 2023

20.07.2023

Page Nos.6/6