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HCP No.1385 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1385 of 2023

T.Thangarasu
S/o.Thangavel

.. Petitioner

Vs.

1. The Superintendent of Police
Perambalur District.
2. The Inspector of Police
Perambalur Police Station
Perambalur District.
3. Sivakumar @ Siva
Son of Moorkan Chettiar
..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent to produce the body of the petitioner's granddaughter 'xxxxx' aged 17 years detained illegally by the 3rd respondent, before this Hon'ble Court and hand over her to the petitioner.



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For Petitioner : Mr.M.Bharath
representing Mr.B.Mahendra Naidu
For Respondents : Mr.A.Gokulakrishnan
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 minor granddaughter one 'xxxxx', aged 17 years [we are masking the name and we shall be referring to her as 'absentee' for obvious reasons] is missing from 24.06.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent police station) on 30.06.2023, the same has been taken on record as Crime No.497 of 2023 dated 30.06.2023 on the file of second respondent police station and the absentee has not been located as yet.

3. Issue notice.



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4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice for official respondents (respondents 1 and 2) and submits on instructions (instructed by Mr.M.Sakthivel, Inspector of Police, Perambalur Police Station) that pursuant to the aforementioned complaint dated 30.06.2023 (Crime No.497 of 2023), investigation was kick started, a special team has been formed, a Special Sub-Inspector of Police is heading the team, 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 four weeks from today i.e., by 24.08.2023.

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 to record statements with prior intimation to the petitioner (absentee's grandfather). We are informed that the jurisdictional Magistrate is Judicial Magistrate-I, Perambalur District. We requisition a report from Judicial Magistrate-I, Perambalur District, which shall be placed before us in the listing for this purpose. Registry is directed to communicate



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a copy of this order to learned Judicial Magistrate-I, Perambalur District.

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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, absentee or anyone concerned for the absentee and third respondent 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 / if there are other developments. All the rights of all concerned are preserved.

8. Captioned HCP is disposed of with the aforementioned observations / directives.

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

(M.S.,J.) (R.S.V.,J.)
27.07.2023

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



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To

1. The Judicial Magistrate-I
Perambalur District.
2. The Superintendent of Police
Perambalur District.
3. The Inspector of Police
Perambalur Police Station
Perambalur District.
4. The Public Prosecutor
High Court, Madras.

M.SUNDAR, J.,



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and
R.SAKTHIVEL, J.,

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