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H.C.P.No.1390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1390 of 2023

Mrs.Ammu

.. Petitioner

Vs.

1. The Commissioner of Police
Tambaram City
Chennai, Chennai District

2. The Inspector of Police
Chitlapakkam Police Station
Chennai

3. Gunasekaran

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 1st and 2nd respondents herein to produce the body or in person of detenu's /the petitioner daughter namely Supriya, daughter of Sundhar, aged about 19 years before this Court and set her liberty.

Page Nos.1/6



H.C.P.No.1390 of 2023

For Petitioner : Mr.M.Dinesh
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 daughter 'Supriya, aged 19 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 16.07.2023, a complaint in this regard has been lodged with jurisdictional police (second respondent), the same has been taken on record as Crime No.257 of 2023 dated 17.07.2023 on the file of second respondent and the absentee has not been located as yet.

3. Issue notice to official respondents.



H.C.P.No.1390 of 2023

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice for both respondents and submits, on instructions, that pursuant to the aforementioned complaint dated 17.07.2023 (Crime No.257 of 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 by forming a special team as expeditiously as possible and a realistic time frame would be 12 weeks from today i.e., by 20.10.2023.

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 with prior intimation to the petitioner (absentee's father). The jurisdictional Magistrate is requested to record statements and proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate I, Tambaram. Registry is directed to communicate a copy of this order to learned Judicial Magistrate



H.C.P.No.1390 of 2023

I, Tambaram.

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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.)

28.07.2023

Index : Yes /No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

gpa



H.C.P.No.1390 of 2023

To

WEB COPY

1. Judicial Magistrate I
Tambaram
2. The Commissioner of Police
Tambaram City
Chennai, Chennai District
3. The Inspector of Police
Chitlapakkam Police Station
Chennai
4. The Public Prosecutor
High Court, Madras.



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H.C.P.No.1390 of 2023

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

gpa

H.C.P.No.1390 of 2023

28.07.2023

Page Nos.6/6