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H.C.P.No.1457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

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

H.C.P.No.1457 of 2023

A.Saleemmalik

.. Petitioner

Vs

1.The Superintendent of Police,
Superintendent of Police Office,
Namakkal, Namakkal District.

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

3.Selvam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the first and second respondents herein to produce the petitioner's girl friend namely Indhumathi, aged 25 years, who has been illegally detained by third respondent herein before this Court and set her at liberty.

For Petitioner : Mr.T.Meganathan
for Mr.H.Jahir Hussain

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
for R1 and R2

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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. Case of the petitioner is that the petitioner was to get married to Indhumathi, aged 25 years (hereinafter 'absentee' for the sake of convenience); that the marriage was scheduled to be solemnised on 04.06.2023; that the third respondent (father of absentee) forcibly took away the absentee; that the absentee is being illegally detained by the third respondent and other members of the family; that captioned HCP has been filed in this Court on 19.07.2023.

3. Today, Mr.T.Meganathan, learned counsel representing the counsel on record for petitioner, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for respondents 1 and 2/official respondents (instructed by Mr.M.Balachandran, Special Sub Inspector



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of Police, Namakkal Police Station) and the absentee are present in Court.

4. We are informed that the petitioner and third respondent are not present in Court. Further, we are informed that third respondent's spouse and his brother are present in Court.

5. We deem it appropriate to direct the second respondent to produce the absentee before the jurisdictional Magistrate (we are informed that the jurisdictional Magistrate is Judicial Magistrate-I, Namakkal) on Monday 07.08.2023 by 10.30 a.m.; that the absentee will be produced by the second respondent before the jurisdictional Magistrate on Monday at 10.30 a.m. shall now be treated as advance and adequate notice by the petitioner as well as third respondent. Petitioner and third respondent shall also be present before the jurisdictional Magistrate on Monday at 10.30 a.m.

6. We request the jurisdictional Magistrate to record statements of absentee, petitioner, third respondent and any other person concerned with the matter and proceed in accordance with law.



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7. Captioned HCP is disposed of as closed albeit with the aforementioned directive and we deem it appropriate to direct the Registry to list this matter before this Court under the cause list caption 'FOR REPORT' on 11.08.2023. On 11.08.2023, there shall be a report from the second respondent and we also request the jurisdictional Magistrate to send a report along with statements that have been recorded.

8. List on Friday i.e., 11.08.2023 under the cause list caption 'FOR REPORT'.

(M.S.,J.) (R.S.V.,J.)
04.08.2023

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

P.S.: UPLOAD FORTHWITH
To

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

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

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