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HCP No.1570 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

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THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1570 of 2023

Gouthaman
S/o.Mahendran

.. Petitioner

Vs.

1. The Commissioner of Police
Avadi
Tamil Nadu - 600 054.

2. The Inspector of Police
All Women Police Station
Ambattur - 600 053.

3. Rajadurai ..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first respondent to produce a body or person of petitioner's friend R.Keethana, daughter of Rajadurai, aged about 21 yrs before this Hon'ble Court, who is in the custody of third respondent Mr.Rajadurai and set her at Liberty.



HCP No.1570 of 2023

WEB COPY

For Petitioner : Mr.K.Raghuraman
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].

2. Factual matrix in a nutshell is that the petitioner is a friend of one 'Keerthana' [hereinafter 'absentee' for the sake of clarity, convenience and brevity]; that according to petitioner, absentee appears to have been illegally detained by third respondent (to be noted, third respondent is father of absentee).

3. Admit. Issue notice.

4. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for respondents 1 and 2 (official respondents).



HCP No.1570 of 2023

5. Today, Mr.K.Raghuraman, learned counsel for petitioner, petitioner, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for respondents 1 and 2 (official respondents) instructed by Ms.V.Gajalakshmi, Special Sub-Inspector of Police, W28, Ambattur Police Station (AWPS) and absentee are present in Court.

6. This Court is informed that third respondent is also inside the Court campus.

7. Owing to the limited scope of the captioned HCP, main matter was taken up (in the Admission Board itself) with the consent of all counsel before this Court. To be noted rights and contentions of all concerned including third respondent will remain preserved.

8. Learned Prosecutor submits that from the preliminary investigation pursuant to complaint given by petitioner, it comes to light that absentee is a major (21 years old) and absentee says that she wants to go with the petitioner.



HCP No.1570 of 2023

9. Let the absentee be produced before jurisdictional Magistrate by second respondent. We are informed that the jurisdictional Magistrate is learned Judicial Magistrate No.I, Ambattur. Let the production be after prior intimation to the petitioner and third respondent who shall be present before learned jurisdictional Judicial Magistrate. Let statements be recorded by learned jurisdictional Judicial Magistrate from all concerned. Thereafter, law will take its own course. It will suffice to say that the absentee is a major and she can make a choice of her own. All the rights and contentions of all concerned namely, petitioner, absentee, third respondent and any other person concerned with the matter are preserved for any connected / collateral proceedings before appropriate Court/s/Forum/Fora/Authority/Authorities.

10. Captioned HCP disposed of with the aforementioned observations and directives.

(M.S.,J.) (R.S.V.,J.)
17.08.2023

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

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To

WEB COPY

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Tamil Nadu - 600 054.
2. The Inspector of Police
All Women Police Station
Ambattur - 600 053.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No.1570 of 2023

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

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