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H.C.P.No.1852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM

THE HON'BLE Mr.JUSTICE **M.SUNDAR**
and
THE HON'BLE Mr.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.1852 of 2022

V.Radhakrishnan

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirupattur, Tirupattur District.

2.The Inspector of Police,
Kurusilapattu Police Station,
Tirupattur, Tirupattur District.

3.M.Santhosh
S/o.Murugan

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the 1st and 2nd respondents to produce the body of the petitioner's daughter namely xxxx, female aged about 17 years before this Hon'ble Court and hand over her custody with the petitioner.



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For Petitioner : Mr.D.Jagadeesan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 & R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

This order will now dispose of captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 13.03.2023 which reads as follows:

'Captioned Habeas Corpus Petition has been filed in this Court on 13.09.2022 complaining that a 17 year old minor [Date of Birth: 25.05.2005] (we are masking the name and we shall refer to the minor as 'absentee' for the sake of convenience and clarity) is missing and it is verily believed that she is in illegal custody of the third respondent and we are informed that the third respondent is also a minor.

2.The first listing of the captioned matter before Hon'ble Predecessor Bench was on 22.12.2022.

3.Pursuant to the earlier proceedings made by us in the previous listing on 27.02.2023, a status report from the second



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respondent has been filed. We find that the status report is not satisfactory interalia as it refers to CDR details on one hand and in the same breath it also says that a letter has been addressed to the Cyber Crime Wing, Tirupattur requisitioning call details.

4.Today the second respondent is not in Court. Learned Additional Public Prosecutor is instructed by Mr.G.Raju, Sub-Inspector of Police. We are informed that he has joined duty in the jurisdictional Police Station only on 03.03.2023.

5.We are informed that one Mr.Kannan, Sub-Inspector of Police deputy to the second respondent who is said to be heading a Special team which is said to have been formed, has since been transferred.

6.Considering the facts and circumstances of the case, the trajectory and time the matter has taken, we deem it appropriate to make the following order:

- (a) Let the first respondent, Superintendent of Police, Tirupattur District remain present before us in the next listing and let a status report from the first respondent also be placed before us;*
- (b) Let Mr.C.Suresh, Inspector of Police, second respondent who has filed the status report dated 19.01.2023 and who is said to be heading the Special team which is said to have been formed also remain present in the next listing; and*
- (c) Let the case diary be placed before us.*

7.List the matter immediately after a week. List on 21.03.2023.'



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3. As the above proceedings have to be read as an integral part and parcel of this order, short forms and short references used in the earlier proceedings will continue to be used in the instant order also.

4. Today, captioned matter was mentioned before us saying that absentee has since been located. Therefore, with the consent of both sides, the matter was listed and taken up. Mr.D.Jagadeesan, learned counsel for petitioner, petitioner Mr.V.Radhakrishnan and his spouse Ms.Premabai Radhakrishnan, learned State Additional Public Prosecutor Mr.R.Muniyapparaj, assisted by Mr.M.Sylvester John, learned counsel and second respondent i.e., Inspector of Police Mr.C.Suresh, Kurusilapattu Police Station, Tirupattur, Tirupattur District are present. Absentee is also before us.

5. We had the benefit of having interaction with absentee followed by interaction with petitioner and his spouse i.e., parents of absentee.

6. Absentee stated that she left home on her own volition owing to some discontentment with her parents regarding pursuing higher education. Absentee regretted for having done so and now stated that she would go home with her parents. This submission is recorded. Petitioner and his spouse i.e., parents of absentee with whom we had interaction also said that they would provide for further education of absentee and also give adequate care and



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affection to the absentee. In the light of the narrative thus far, we deem it appropriate to drop the curtains on the captioned HCP and we also deem it appropriate to not to say anything on the merits of the matter and more particularly not to say anything about the third respondent (private respondent) who is not before us as this is a habeas corpus legal drill. To be noted, we are informed that third respondent is also a minor. In this regard, in earlier proceedings made on 13.03.2023, we were informed that the date of birth of absentee is 25.05.2005 and this has been so recorded but now absentee, in the interaction submitted that her date of birth is 29.05.2005. This submission is recorded. Be that as it may, we are informed that the third respondent is also minor as of today and his date of birth is 12.03.2005.

7. All the rights and contentions of all the parties i.e., petitioner, petitioner's spouse, absentee, third respondent and all concerned are preserved for collateral proceedings, if any.

8. In the aforesaid earlier proceedings, as would be evident from the allusion thereat, owing to tardy progress qua investigation and the trajectory the matter has taken, we had directed the first respondent to remain present in the next listing, which was scheduled to be on 21.03.2023. Now that the matter has taken a different trajectory and the matter is being concluded today



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i.e., 16.03.2023, no further proceedings or no further presence of any of the parties in the matter is necessary.

9. The sequitur is, captioned HCP is disposed of as closed albeit preserving the rights of all concerned in the aforesaid manner. There shall be no order as to costs.

(M.S,J.) (M.N.K.,J.)
16.03.2023

Speaking Order

Neutral Citation : Yes
kmi

To

- 1.The Superintendent of Police,
Tirupattur, Tirupattur District.
- 2.The Inspector of Police,
Kurusilapattu Police Station,
Tirupattur, Tirupattur District.
3. The Public Prosecutor,
Madras High Court,
Chennai – 104.



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M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.

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