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H.C.P.No.1782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

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

H.C.P.No.1782 of 2023

C.Palanisamy

.. Petitioner

Vs.

State by

1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode.

2.The Inspector of Police,
Modakkurichi Police Station,
Modakkurichi, Erode District.

3.K.Divakar,
S/o.Kannusamy,
Associate Senior Analyst,
BNY Mellon Technology Pvt. Ltd.,
Ground Floor, Coral Block – 3,
Embassy Splendid Tech Zone,
No.181/183, Thuraipakkam Radial Road,
Pallavaram, Chennai – 600 043.

4.The Superintendent of Police,
Pudukottai District.

[R4 impleaded vide order of this Court dated
13.09.2023 in H.C.P.No.1782/2023]

.. Respondents



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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 to bring and produce the petitioner's daughter Keerthana, aged about 26 years before this Court and set her at liberty.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed in this Court on 07.09.2023.

2. Mr.C.Prakasam, learned counsel on record for HCP petitioner is before this Court.

3. Factual matrix in a nut shell, as can be culled out from the case file and submissions made by learned counsel for HCP petitioner is that the petitioner's daughter is Ms.Keerthana and she is 26 years old [we shall refer to petitioner's daughter as 'absentee' for the sake of convenience and



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clarity]; that on 28.08.2023, absentee was taken away from her home (home in Erode); that absentee is since missing; that HCP petitioner has sent (by mail) a complaint in this regard to the first respondent being complaint dated 03.09.2023; that it is the case of the HCP petitioner that the third respondent (private respondent) is holding absentee in illegal custody / unlawful detention; that the absentee is a graduate in Engineering, she is working in a private company; that the private company is in Chennai but was working from home; that third respondent is also working in the same company; that according to the petitioner, on 30.08.2023, he received information from All Women Police Station (AWPS), Pudukottai asking the petitioner to come over to Pudukottai AWPS on 31.08.2023; that on 31.08.2023 petitioner's wife went to AWPS, Pudukottai (as according to petitioner he fell ill); that third respondent is alleged to have come over to AWPS with many people; that petitioner's wife could not interact with the absentee; that it is asserted that absentee is illegally detained by third respondent.

4. Issue notice to official respondents.

5. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor



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accepts notice for official respondents (respondents 1 and 2).

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6. Learned Additional Public Prosecutor submits on instructions that AWPS, Pudukottai is in seizin of the matter.

7. Before we proceed further, we make it clear that we are not expressing any view or opinion on the allegations of the petitioner, as this is a habeas legal drill, we are only concerned with the simple question as to whether absentee is illegally detained by third respondent or she has gone with third respondent voluntarily on her own volition.

8. Considering the peculiar nature of the matter the dynamics that are being projected, we deem it appropriate to dispose of the captioned HCP by making the following order:

(a) The Superintendent of Police, Pudukottai District is *suo motu* impleaded as fourth respondent. Registry to make necessary and consequential amendments in the case file before uploading / issuing certified copy;

(b) All concerned are to act based on the copy of this



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order which will be uploaded in the official website of Madras

High Court without waiting for certified copy. To be noted, the uploaded copies are watermarked and QR coded;

(c) The first and fourth respondents shall coordinate amongst themselves, constitute a team from both places, locate the absentee and produce the absentee, third respondent and petitioner before learned Principal Judge, City Civil Court, Chennai at the earliest and in any event on or before 03.10.2023;

(d) Learned 'Principal Judge, City Civil Court, Chennai' [hereinafter 'PJ' for convenience] is requested to record statements from the absentee, third respondent, HCP petitioner and any other person including police officials if deemed necessary at the discretion of learned PJ;

(e) the statements shall be recorded in private by learned PJ;

(f) Absentee and third respondent are clearly majors and therefore it would be the absentee's call as to whether she would go with third respondent or with petitioner. Either way



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depending on the statement of the absentee, the official respondents shall ensure that she goes home safely with the third respondent or the petitioner depending on her choice i.e., her statement to be recorded by learned PJ;

(g) All the rights and contentions of third respondent or anyone concerned in this matter are preserved for any collateral or connected proceedings including the proceedings to ensue in the matter on hand as captioned HCP is disposed of in the admission board itself when third respondent is not before us.

9. Captioned HCP is disposed of with the aforesaid observations, directives and preservation of rights in the aforementioned manner.

(M.S., J.) (R.S.V., J.)
13.09.2023

Index : Yes
Speaking order
Neutral Citation : Yes
rsi



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To

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Office of the Superintendent of Police,
Erode District, Erode.
- 2.The Inspector of Police,
Modakkurichi Police Station,
Modakkurichi, Erode District.
- 3.The Superintendent of Police,
Pudukottai District.
- 4.The Public Prosecutor
Madras High Court, Chennai



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

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