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H.C.P.No.2528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.2528 of 2022

V.Sivaji

.. Petitioner

Vs

1.The Superintendent of Police,
Ranipet District.

2.The Inspector of Police,
Thimiri Police Station,
Ranipet District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the second respondent to secure and produce the petitioner's son S.Venkatesan (31 years), S/o.Sivaji before this Court and set him at liberty.

For Petitioner : Mr.M.Duraimurugan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John



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ORDER

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

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The petitioner had lodged a complaint with the second respondent on 20.08.2022 stating that from 17.08.2022, his son Venkatesan, aged about 31 years was found missing. Despite the complaint, no action has been taken by the respondents. Fearing for his son's life, petitioner has filed the present petition.

2. Learned Additional Public Prosecutor submits that one Banupriya had lodged a complaint with the second respondent stating that her minor daughter was found missing from 29.08.2022 and a girl missing case in Crime No.224 of 2022 was registered. During investigation in that case, the petitioner's son Venkatesan was arrested. On 14.12.2022, the case was altered into one under Section 366 IPC and Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006. After arrest, the said Venkatesan has been remanded to judicial custody and investigation in the case in Crime No.224 of 2022 completed, charge sheet filed before the Mahila Court, Vellore on 19.01.2023.



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3. Recoding the submission made by the learned Additional Public Prosecutor that the petitioner's son is not under anybody's illegal custody but under judicial custody in connection with the case in Crime No.224 of 2022, the habeas corpus petition is disposed of as closed.

(M.S.,J.) (M.N.K.,J.)
25.04.2023

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

To

- 1.The Superintendent of Police,
Ranipet District.
- 2.The Inspector of Police,
Thimiri Police Station,
Ranipet District.
- 3.The Public Prosecutor,
High Court, Madras.

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**M.SUNDAR, J.,
and
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