



H.C.P.No.2227 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2227 of 2023

S.Pachaiyappan

... Petitioner

Vs.

1.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai Taluk & District.

2.The Deputy Superintendent of Police,
Vandavasi,
Thiruvannamalai District.

3.The Sub-Inspector of Police,
Thellar Police Station,
Vandavasi Taluk,
Thiruvannamalai District.

4.Harish

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the



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respondents 1 to 3 herein to produce the petitioner's daughter Sugashini, aged 19 years, from the illegal custody of the 4th respondent before this Court and set her at liberty.

For Petitioner : Mr.S.Srinivasan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Aravind C.

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner, father of the detainee by name Sugashini, aged 19 years, has come forward with this petition to produce the detainee before this Court and set her at liberty.

2.The case of the petitioner is that his daughter, who is 19 years old and studying in a Polytechnic College, is missing from 25.09.2023. Therefore, the petitioner lodged a complaint with the 3rd respondent against the 4th respondent on 26.09.2023 and a case was registered in Crime No.187 of 2023. It is his further case that the 2nd respondent, though conducted enquiry, did not permit the petitioner to talk with her daughter and that the



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4th respondent threatened the petitioner at the time of enquiry to withdraw the complaint registered against him.

3.In the affidavit filed in support of this petition, the petitioner himself admits that his daughter has eloped with the 4th respondent by name Harish. It is in these circumstances, this Court *prima facie* finds that it is not a case of illegal detention and therefore, it is not necessary to keep this petition pending any further.

4.Accordingly, this Habeas Corpus Petition is closed with the following directions :

- i. The respondents 1 to 3 are directed to produce the detinue, as and when she is secured, before the jurisdictional Magistrate, i.e., Judicial Magistrate, Vandavasi, with prior intimation to the petitioner.
- ii. The learned Judicial Magistrate is requested to record statements of detinue and all concerned in accordance with law.
- iii. If there is undue delay or if there is any other development, we make it clear that all the rights and contentions of the petitioner, 4th



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respondent or anyone concerned for the detainee are preserved and left open for being raised in collateral or similar proceedings (if any), as this Habeas Corpus Petition is being disposed of in the Admission Board, more so when 4th respondent is not before us. If there are any connected/collateral proceedings, such Court/s/Forum/Fora/Authority/Authorities shall deal with the same on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of giving a closure to this Habeas Corpus Petition on hand.

iv. Further, we make it clear that it is open to the petitioner or anyone concerned for the detainee to come back to this Court, not only with a similar but even same prayer, if the need arises. All the rights of all concerned are preserved.

(S.S.S.R., J.) (S.M., J.)
16.11.2023

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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To
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Thiruvannamalai Taluk & District.
- 2.The Deputy Superintendent of Police,
Vandavasi,
Thiruvannamalai District.
- 3.The Sub-Inspector of Police,
Thellar Police Station,
Vandavasi Taluk,
Thiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.



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