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H.C.P.No.2667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

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

H.C.P.No.2667 of 2022

Amsavalli
W/o.Arumugam

... Petitioner

-VS-

1.The Superintendent of Police,
Ariyalur District.

2.The Inspector of Police,
Andimadam Police Station,
Ariyalur District.

3.Rajadurai

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the second respondent to produce the body of petitioner's minor daughter Akshya, girl, aged 14 years, before this Court from the custody of the third respondent and handover to the petitioner.



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For Petitioner : Mr.C.R.Gobinaath
for Mr.B.Mahendra Naidu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
[R1&R2]

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 and convenience].

2. This order has to be read in conjunction with and in continuation of
earlier proceedings made in the previous listing on 23.12.2022 by Hon'ble
predecessor Bench, which reads as follows:

'This petition has been filed seeking a direction to the second
respondent to produce the petitioner's minor daughter Akshya, aged
14 years, before this Court from the custody of the third respondent
and hand over to the petitioner.

2. It is the case of the petitioner that her daughter Akshya,
aged 14 years, went missing from 24.11.2022 and that she in the
illegal custody of the third respondent.

3. Today, Mr.B.Ravichandran, Special Sub-Inspector of
Police, Andimadam Police Station [Mobile 94981 59846], is present.

4. On instructions, learned Additional Public Prosecutor
submitted that based on the complaint of the petitioner, a case in



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Andimadam P.S.Crime No.386 of 2022 was registered for "girl missing" on 26.11.2022 and during the course of investigation, it came to light that Akshya was in love with the third respondent and appears to have eloped with him.

5. In the aforesaid circumstances, we direct the Deputy Superintendent of Police, Jayankondam, to supervise the investigation in Andimadam P.S.Crime No.386 of 2022 and keep the petitioner informed of the developments, if any. As and when the detinue is secured, she shall be produced before the Judicial Magistrate II, Jayankondam, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders.

Post on 27.01.2023.'

3. Today, Mr.C.R.Gobinaath, learned counsel for petitioner [mother of the absentee] and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, for respondents 1 and 2 [official respondents], are before us.

4. Be that as it may, adverting to earlier proceedings dated 23.12.2022, we are informed that the absentee was secured on 12.01.2023 and the absentee has been handed over to petitioner and her spouse i.e. parents of the absentee.

5. We are also informed that Crime No.386 of 2022 on the file of



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Andimadam Police Station has seen further progress. Let the matter be carried to its logical end in accordance with law.

6. We have not expressed any opinion qua the third respondent in this order as the aforementioned Crime No.386 of 2022 has to proceed in accordance with law, on its own merits and also owing to the fact that third respondent is not before us.

7. Considering the factual matrix, the trajectory the matter has taken and taking into account the fact that the absentee has since been secured and handed over to the parents, we deem it appropriate to record the stated position of both sides and dispose of the captioned HCP as closed.

Sequitur is, captioned HCP is disposed of as closed.

[M.S., J] [M.N.K., J]
27.02.2023

Index:Yes/No
Neutral Citation : Yes
gm

To

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2.The Inspector of Police,
Andimadam Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court, Madras.



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

gm

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