



H.C.P(MD)No.1227 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2023

Coram

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR. JUSTICE R.SAKTHIVEL

H.C.P(MD)No.1227 of 2023

P.Prema

.. Petitioner

VS

**1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.**

**2.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.20 of 2023).**

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 and 2 herein to produce the body or person of detenu by name P.Vennila, D/o.Pauldurai, aged about 17 years, who has been missing since 20.09.2023 and produce her before this Court and hand over her custody to the petitioner.



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For Petitioner : Mr.A.Mohammed Hashim
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 30.10.2023 which reads as follows:

'H.C.P(MD)No.1227 of 2023

M.SUNDAR, J.

and

R.SAKTHIVEL, J.

(Order of the Court was made by

M.SUNDAR,J.,)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 16.10.2023, which reads as follows:

'In the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] HCP petitioner's complaint is that her minor daughter 'xxxxx' [we are masking the name of the petitioner's minor daughter and we shall be referring to her as 'absentee' for the sake of convenience] was missing.

2. When the captioned HCP was in the Admission Board on 10.10.2023, the following order was made:



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'The learned Additional Public Prosecutor who accepted notice for the respondents made a submission that based on the complaint given by the petitioner a criminal case was registered in Crime No.20 of 2023 by the All Women Police Station, Nanguneri and the investigation is in progress.'

2.The petitioner being a minor, the respondents are directed to file a status report in two [2] weeks.

3.Post the matter after two [2] weeks.'

3. Today, the matter was mentioned saying absentee has been located and therefore, the matter was taken up by way of additional list.

4. In the hearing today, learned counsel for petitioner Mr.A.Mohammed Hashim, petitioner along with her spouse, and absentee are before us.

5. This Court is informed that the absentee was located in her friend's place and she is now with her parents ie., HCP petitioner and her spouse.

6. We had an interaction with the absentee and thereafter with HCP petitioner and her spouse.

7. From the interactions, we find that it would be desirable to have the matter stand over by a fortnight during which time, the absentee who is now with her parents, will continue to be with her parents.

8. Let the HCP petitioner, her spouse and the absentee be present in Court in the next listing. The second respondent to ensure their presence in the Court in the next listing. List a fortnight hence.

9. List on 30.10.2023.'

2.Paragraph 7 of the earlier proceedings is of relevance.



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3.We had further short interaction and pursuant to paragraph 7, we find that it is appropriate to say that this matter will stand over by further six weeks and the absentee, who is now with her parents, will continue to be with her parents.

4.Let the HCP petitioner and her spouse (parents of absentee) be present before this Court in the next listing. List six weeks hence.

5.List on 11.12.2023.'

2.The aforementioned order speaks for itself.

3.Today, advertng to paragraph 4 of the aforementioned proceedings, Mr.A.Mohammed Hashim, learned counsel on record for HCP petitioner, submitted that absentee has since attained majority and she has made a choice of her own. Learned counsel submitted that HCP petitioner does not want to pursue captioned HCP and sought leave of this Court to withdraw the captioned HCP.

4.Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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Since the absentee has
attained Majority,
the Petitioner seeks
leave of this Hon'ble
Court to withdraw
this case


11/12/23
Counsel for Petitioner
A. Mohamed Haniff
MS No-2863/19

5. In the light of the narrative thus far, captioned HCP
is disposed of as closed/withdrawn. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
11.12.2023

Index : Yes/No
Neutral Citation : Yes/No
ps



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- To
- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
 - 2.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

ps

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