



H.C.P(MD)No.1331 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2023

Coram

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

H.C.P(MD)No.1331 of 2023

Petchiammal

.. Petitioner

VS

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

**2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.**

3.Thavamani Kanna

4.Selvam

5.Priya

.. 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 to produce the person or body of the detenu by name XXX, D/o.Manikandan, female, aged about 17 years, who the minor daughter of the petitioner before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.K.Manavalan
For Respondent Nos.1 & 2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned matter.

2.This final order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 03.11.2023 which reads as follows:

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M.SUNDAR, J.

and

R.SAKTHIVEL, J.

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 31.10.2023 saying that the HCP petitioner's 17 year old minor daughter XXX [born in March of 2006] is missing from 17.10.2023. To be noted, we are masking the name of petitioner's daughter and 'XXX' shall henceforth be referred to as 'absentee' also for



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the sake of convenience. Learned Counsel for HCP petitioner submits that a complaint was lodged in Alanganallur Police Station on 19.10.2023 and the same has been taken on file vide Cr.No.422 of 2023 [girl missing].

2.Adverting to the support affidavit, learned Counsel submitted that it is clear that the absentee may be in illegal custody of third respondent with the aid of respondents 4 and 5.

3.Issue notice to official respondents.

4.Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor accepts notice for respondents 1 and 2.

5.Learned Prosecutor submits that investigation pursuant to 19.10.2023 complaint is under way and on instructions requests for time to pursue and locate the absentee. Request acceded to.

6.If the absentee is located between today and the next listing, it is open to either side to mention the matter before this Court.

*7.List six [6] weeks hence. List on **15.12.2023.**'*

3.The aforementioned earlier proceedings made in the previous listing on 03.11.2023 in the Admission Board captures all essential facts in a nutshell and therefore we are not setting out the same again. Suffice to say that aforementioned 03.11.2023 Admission Board proceedings/orders shall now be read as an integral part and parcel of this final order. This also means that short forms, short references and



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abbreviations used in the earlier/aforesaid Admission Board proceedings/orders shall continue to be used in the instant final order also.

4.In the light of the aforementioned earlier Admission Board order more particularly paragraph 6 thereat, learned Prosecutor mentioned the matter at half past ten saying that absentee has since been located. Therefore captioned matter was taken up by way of an additional list.

5.When the captioned matter was taken up Mr.K.Manavalan, learned counsel for HCP petitioner, HCP petitioner (Petchiammal), Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor instructed by second respondent (Ms.R.Geetha, Inspector of Police, Alanganallur Police Station) and absentee were before us.

6.This Bench had a brief interaction with the absentee and the following points emerged:



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'(i) Absentee left home on her own volition;

(ii) Absentee is friendly with third respondent

but she now wants to go back with her mother and continue her education; and

(iii) HCP petitioner (mother of absentee) is ready to take home the absentee and this Court is assured that HCP petitioner will give adequate and ample care to the absentee. In other words HCP petitioner assures this Court that she will be a good care giver qua absentee.'

7.This Court is acutely conscious of the position that captioned HCP is being disposed of when private respondents 3, 4 and 5 are not before this Court. Therefore we make it clear that all the rights and contentions of private respondents 3, 4 and 5 and anyone concerned or connected with the matter are preserved for any connected or collateral proceedings. Any other Court/Courts/Forum/Fora/Authority/Authorities shall deal with any connected or collateral matter on its own merits and



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in accordance with law untrammelled/uninfluenced/*de hors* this order which has been made for the limited purpose of drawing the curtains on the Habeas legal drill on hand. To put it differently captioned HCP is disposed of as closed albeit with the aforementioned observations and preservation of rights in the aforementioned manner. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
29.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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