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H.C.P.(MD) No.946 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.946 of 2023

M.Subramanian

... Petitioner

-vs-

1.The Superintendent of Police
Pudukkottai District, Pudukkottai

2.The Deputy Superintendent of Police
Office of Superintendent of Police
Viralimalai, Pudukkottai District

3.Inspector of Police
Viralimalai Police Station
Pudukkottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the petitioner's daughter the detenu Priyanka, daughter of Subramanian, aged about 18 years, before this Court and set her at liberty.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

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The petitioner has filed this habeas corpus petition seeking a direction to the respondents to secure his daughter, namely, Priyanka, aged about 18 years, produce her before his Court and set her at liberty.

2. It is the case of the petitioner that on 17.06.2023, his daughter went out of the home due to misunderstanding. Since she did not come back to the home, he preferred a complaint before the respondent – Police and based on his complaint, a case in Crime No.212 of 2023 has been registered for girl missing. However, since the respondent – Police did not take any further action thereafter, the petitioner has filed this habeas corpus petition.

3. Today, the third respondent has filed a detailed status report.

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions would submit that based on the complaint given by the petitioner, the respondent – Police has registered a case for girl missing. However, during enquiry, it was found that the petitioner's daughter was born on 01.11.2005 and she was having a love affair with one Navaneetha Krishnan. Since the petitioner and his wife, mother of the detainee, had



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reprimanded the detinue, on 15.06.2023, she had taken all her certificates and gone out of the home. He would further submit that it is the case of elopement and necessary steps are being taken to secure the detinue and as and when the whereabouts of the detinue and the said Navaneethakrishnan are found, it would be intimated to the petitioner.

5. In view of the above submission of the learned Additional Public Prosecutor, we are of the view that the detinue is not in illegal detention of anybody. Therefore, this habeas corpus petition is closed with a direction to the respondent – Police to continue with the investigation in accordance with law and as and when the detinue and the said Navaneethakrishnan are secured or their whereabouts are identified, the same shall be intimated to the petitioner forthwith.

[A.D.J.C., J.]

[K.R.S., J.]

22.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Office of Superintendent of Police,
Viralimalai, Pudukkottai District.
- 3.Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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