

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.2293/2015

Maria D Souza
Petitioner

..

Versus

- 1 The Commissioner of Police
Egmore, Chennai 600 008.
 - 2 The Secretary to Government
Home Department, Fort St. George,
Chennai 600 009.
 - 3 The Inspector of Police
T12 Police Station
Poonamallee, Chennai.
 - 4 Mr.Shan Wheeler
 - 5 Anzolet
 - 6 Mrs.Davina
 - 7 Jolena
- Respondents

..

Habeas Corpus petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 2 and 3 to produce the body of the detainee Lynette D'Souza, daughter of Rufus D'Souza, aged about 39 years, who is mentally challenged, now detaining under the custody of the 4th to 7th respondents and set the petitioner's daughter at liberty forthwith.

For Petitioner : Mr.N.Rathi Rekha

For RR 1 to 3 : Mr.A.N.Thambidurai, APP

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner/mother

of the detainee, to cause production of her daughter, Lynette D'Souza, aged about 39 years, who is said to be missing from 26.06.2015, before this Court and to set her at liberty.

2 It is the case of the petitioner that her daughter Lynette D' Souza, aged about 39 years, was married to Jeffrey Brown and got divorced from him and they have got a child through the said marriage. While so, it is stated by the petitioner that her daughter went missing on 26.06.2015, in connection with which, a case in Cr.No.631/2015 has been registered by the 2nd respondent police on 07.07.2015 for "Woman Missing". The petitioner suspected that her daughter has been taken away by the 4th respondent in connivance with the respondents 5 and 6.

3 On notice through Court, respondents 5 and 6 appeared before this Court, claiming to be the sisters of the 4th respondent and stated that they have no knowledge about the whereabouts of their brother and that he is a free-wheeler.

4 The respondent police have filed a status report detailing the steps that are being taken by them for securing the alleged detainee. Under such circumstances, we find that this is not a case of illegal detention of the detainee Lynette D Souza, who is aged about 39 years, warranting issuance of a writ of Habeas Corpus.

5 In view of the above, this petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No.631/2015 and keep the petitioner informed about the developments.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

AP

To

1 The Commissioner of Police
Egmore, Chennai 600 008.

2 The Secretary to Government
Home Department, Fort St. George,
Chennai 600 009.

3 The Inspector of Police
T12 Police Station
Poonamallee, Chennai.

4 The Public Prosecutor
High Court, Chennai.

HCP.No.2293/2015

ak co
kra 15.12.2015



WEB COPY