

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.12.2015

CORAM

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

H.C.P. NO. 2799 OF 2014

V.Vignesh

.. Petitioner

- Vs -

1. The Inspector of Police
R-3, Ashok Nagar Police Station
Ashok Nagar, Chennai.

2. Velu @ Vadivelu

.. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the first respondent to produce the petitioner's mother, V.Deivanai, aged about 40 years, under the illegal detention of the second respondent, before this Court and set her at liberty.

For Petitioner : Mr. G.A.Thiyagarajan

For Respondents : Mr. A.N.Thambidurai, APP for R-1

ORDER

(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner for a direction to the first respondent to produce the petitioner's mother, Deivanai, aged about 40 years, under the illegal detention of the second respondent, before this Court and set her at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the first respondent.

3. It is the case of the petitioner that his mother, Deivanai, aged about 40 years, went missing in connection with which a case in Crime No.1391/2014 for 'Woman Missing' has been registered by the respondent police. However, inspite of registration of the case, since no effective steps have been

taken by the respondent police to secure the detainee, the present petition has been filed.

4. The respondent police have filed status report before this Court narrating the steps that have been taken by them to secure the detainee. The report reveals that the respondent police have formed special teams and have been trying to trace the detainee and that investigation is in progress.

5. It is evident from the averment made by the petitioner that the detainee had left her house on her own volition with the second respondent. In such circumstances, this Court is of the considered view that since the detainee has voluntarily left her house, the question of illegal detention of the detainee by the second respondent, warranting issuance of a writ of habeas corpus, does not arise.

6. Accordingly, this habeas corpus petition is closed with a direction to the respondent police to proceed with the investigation and keep the petitioner informed of any development/break through in the case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

GLN

To

1. The Inspector of Police
R-3, Ashok Nagar Police Station
Ashok Nagar, Chennai.

2. The Public Prosecutor
High Court, Madras.

H.C.P. NO.2799 OF 2014

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