

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P. No.2068 of 2015

Shajeena

Petitioner/Mother of the detenue

vs.

1.The Superintendent of Police
District Office
Krishnagiri (Dt.)

2.The Deputy Superintendent of Police
Periyar Nagar
Uthangarai Taluk
Krishnagiri (Dt.)

3.The Inspector of Police
C7 Police Station
Pattabiram Street
Kallavi
Krishnagiri (Dt.)

4.The Inspector of Police
C3 Police Station
Dharmapuri Road
Pochampalli
Krishnagiri (Dt.)

5.Arif

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's daughter viz., Shubeen.

For Petitioner

Mr.A.Raja Mohamed

For Rel to R4

Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondent police to produce the body of the petitioner's daughter viz., Shubeen.

2. It is the case of the petitioner that her daughter Shubeen, who was married to Nabi, went missing since 16.05.2015, in connection with which a case in Pochampalli Police Station Cr.No.305 of 2015 for "women missing" has been registered. Since the police did not take any effective steps to secure the detainee, the petitioner has filed this Habeas Corpus Petition.

3. The respondent police have filed a Status Report detailing the steps taken by them to secure the detainee. It is alleged by the petitioner herself that her daughter had affair with one Arif/fifth respondent and had gone away with him. The said fact is confirmed by the investigation conducted by the police and is reflected in paragraph no.3 of the Status Report, which reads as follows:

"3. I submit that, on the same day, the then Inspector of Police went to the complainant's residence and examined the following witnesses and recorded their statements:

- (i) Tr.Nabi - defacto complainant/husband of the detainee
- (ii) Tmt.Asmath- Mother of the defacto complainant
- (iii) Tr.Aslem - Brother of the complainant
- (iv) Tmt.Shajeena -Mother of the detainee/petitioner herein
- (v) Tmt.Kairunbi - Sister of the petitioner
- (vi) Tr.Sadhiq Basha- Petitioner's sister son

Witnesses 1 to 4 corroborated the same version of the complaint.

Witnesses 5 & 6 speaks about that Tmt.Shameem, who is the mother of Ariff/5th respondent herein lodged a complaint before the Namakkal P.S. to trace her son Ariff, based on the

complaint a case was registered in Namakkal P.S. Crime No.516/2015, u/s Boy missing and the same is pending. Further, they mentioned that they are getting not sure whether the detainee and said Ariff are stayed at Kerala or Bombay."

4. It is seen that, Arif/fifth respondent's mother herself has lodged a complaint that her son is missing, based on which a case in Namakkal Police Station Cr.No.516 of 2015 for "boy missing" has been registered.

5. Under such circumstances, we are of the opinion that this is not a case of illegal detention of the petitioner's daughter Shubeen, who is aged about 28 years old. Hence, this Habeas Corpus Petition is closed with a direction to the respective police to investigate the cases in Pochampalli Police Station Cr.No.305 of 2015 and Namakkal Police Station Cr.No.516 of 2015 and keep the petitioner informed of the developments, if any.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Superintendent of Police
District Office
Krishnagiri (Dt.)

2.The Deputy Superintendent of Police
Periyar Nagar
Uthangarai Taluk
Krishnagiri (Dt.)

3.The Inspector of Police
C7 Police Station
Pattabiram Street
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Krishnagiri (Dt.)

4.The Inspector of Police
C3 Police Station
Dharmapuri Road
Pochampalli
Krishnagiri (Dt.)

5.The Inspector of Police
Namakkal Police Station.
Namakkal District,
Cr.No.516 of 2015.

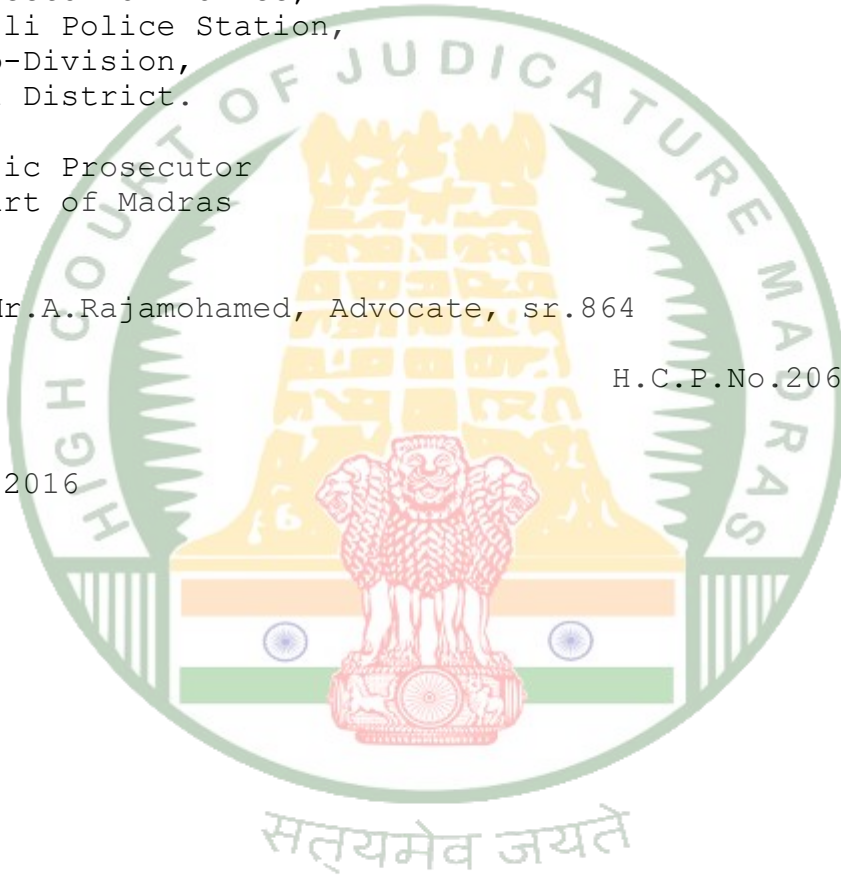
6.The Inspector of Police,
Poochampalli Police Station,
Bergur Sub-Division,
Krshnagiri District.

7.The Public Prosecutor
High Court of Madras
Chennai.

+1 cc to Mr.A.Rajamohamed, Advocate, sr.864

H.C.P.No.2068 of 2015

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kra 29.01.2016



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