

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.01.2016

CORAM

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

H.C.P. NO. 1892 OF 2014

I.Selvaraj ... Petitioner

- Vs -

1. State rep. by
The Superintendent of Police
District Superintendent of Police
Neethimedu, Salem.
2. The Inspector of Police
Erumbalai Police Station
Salem District, Salem.
3. Selvaraj
4. Mottai Kannan @ Kannan
5. Kanthasamy
6. Chinna Thayee ... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents 1 and 2 to secure the detainee, S.Santhya, aged about 17 years, under the illegal detention of respondents 3 to 6, produce her before this Court and set her at liberty.

For Petitioner : Mr. S.Senthil Kumar for M/s.Star Associates

For Respondents : Mr. A.N.Thambidurai, APP for RR-1 & 2

ORDER

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

The present petition has been filed by the petitioner for a direction to the respondents 1 and 2 to secure the detainee, S.Santhya, aged about 17 years, under the illegal detention of respondents 3 to 6, produce her 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 respondents 1 and 2.

3. It is the case of the petitioner that his daughter, Santhiya, aged about 17 years, went missing on 31.10.13 in connection with which a case in Crime No. 550/2013 under Section 366 (A) IPC has been registered by the second respondent. However, since the second respondent police is not taking necessary steps to secure the detainee, the petitioner filed the present petition before this Court.

4. A status report has been filed by the Inspector of Police, Steel Plant Police Station, Salem City, dated 19.12.2015, wherein the details as to the investigation done in tracing the detainee have been narrated. It is submitted that during the pendency of the petition, the respondent police secured the detainee and produced her before this Court on 18.8.14 and on the orders of this Court, the detainee was left in the custody of Life Line Home, Hasthampatti, Salem. However, the detainee once again went missing from the said Home at Salem. Therefore, on the complaint of Tmt.Kalpana, Superintendent of the said Home, a case in Crime No.447/2014 for 'Girl Missing' was registered on 23.8.14 and investigation was taken up.

5. In furtherance of the investigation, the Hasthampatti Police secured the girl in Crime No.447/14 and the detainee was produced before the Judicial Magistrate No.1, Salem, on 3.11.14 and on the orders of the Judicial Magistrate No.1, Salem, the custody of the detainee was handed over to the Child Welfare Committee, Salem from where also the detainee once again absconded on 7.11.14. On the complaint of Tmt.Premalatha, Treasurer of the said Committee, another case in Crime No.657/14 was registered by the Hasthampatti Police on 8.11.14 and investigation is in progress.

6. Taking into consideration the entire backdrop of the case, this Court is of the considered view that since the detainee has the propensity to escape from the Child Welfare Home time and again, inspite of her being secured and lodged there, we find that this is not a case of illegal detention warranting issuance of a writ of habeas corpus. The act of the detainee clearly shows that she is leaving the Home, where she has been directed to be lodged, on her own volition and there is no case of illegal detention.

7. In the above circumstances, this habeas corpus petition is closed with a direction to the Hasthampatti Police, who have registered the case, to proceed with the investigation in Crime Nos. 550/2013 and 657/2014, trace the detainee and produce her before the jurisdictional Magistrate Court for passing

appropriate orders. The police authorities shall also keep the petitioner informed of any development/breakthrough in the case.

GLN

s/d-
Assistant Registrar(J)

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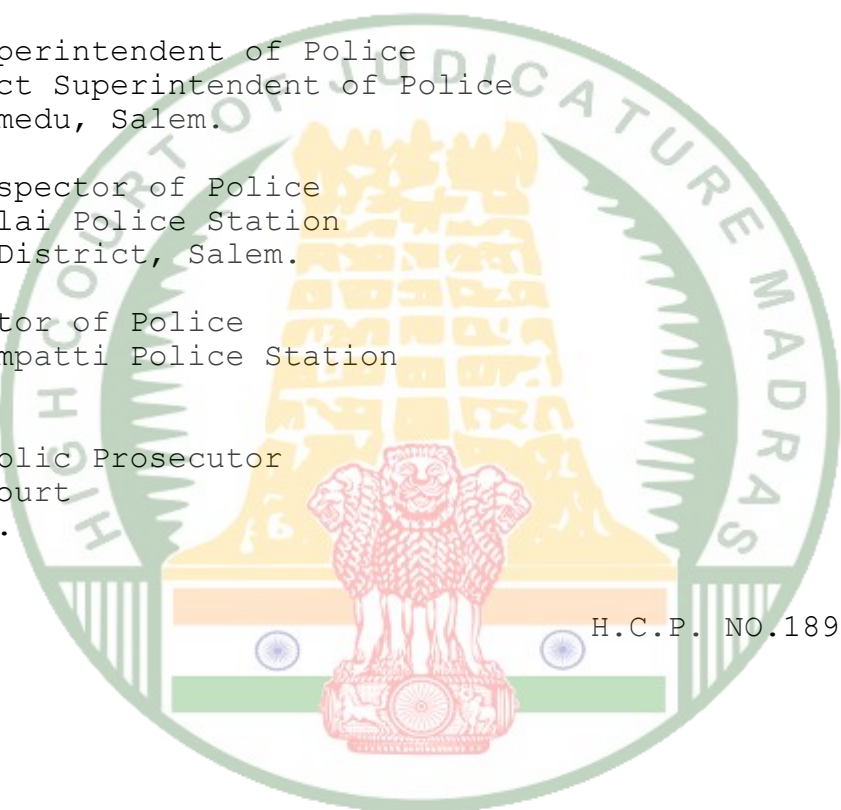
Sub-Assistant Registrar

To

1. The Superintendent of Police
District Superintendent of Police
Neethimedu, Salem.
2. The Inspector of Police
Erumbalai Police Station
Salem District, Salem.
3. Inspector of Police
Hasthampatti Police Station
Salem.
4. The Public Prosecutor
High Court
Madras.

gr(co)
prk1/2

H.C.P. NO.1892 OF 2014

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words 'HIGH COURT OF MADRAS' are written in a green circle around the central image. At the bottom of the seal, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is inscribed in Devanagari script.

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