

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.8.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1329 of 2016

K.K.Shanmugham .. Petitioner

vs.

1. The Superintendent of Police,
Erode District, Erode.

2. The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the body of the detinue of the daughter of the petitioner, namely, K.S.Lakshmipriya, aged about 34 years before this Court and set her at liberty.

For Petitioner .. Mr.M.Guruprasad
For Respondent .. Mr.V.M.R.Rajentren
Addl.Public Prosecutor

सत्यमेव जयते
ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the father of one K.S.Lakshmipriya, aged 34 years. On the allegation that she has been found missing, the petitioner has come up with this Habeas Corpus Petition. On the complaint made by the petitioner, a case has been registered in Cr.No.459 of 2016 on the file of the 2nd respondent. The grievance of the petitioner is that no action has been taken so far.

2. We have heard the learned counsel for the petitioner/appellant, the learned Additional Public Prosecutor appearing for the State and also perused the materials on record.

3. Today, the Inspector of Police, Gobichettipalayam Police Station has filed a status report wherein inter alia in paragraph 7, he has stated as follows:

"7. It is submitted that during investigation, the petitioner handed over all the letters sent by the detenu to him on various dates to me in person. In all the letters, the detenu repeatedly stated that "to perform the marriage of her younger sister, then only the detenu will return to home. She has also further stated in her letters that she will commit suicide, if any attempt has been made to find her without performing her sister's marriage"

4. The facts stated in paragraph 7 of the affidavit are not disputed by the learned counsel for the petitioner.

5. From the above averments, it is crystal clear that the detenu is hiding elsewhere and waiting for the marriage of his daughter. Thus, there appears to be no detention.

6. At any rate, the investigation is pending. No relief as prayed for by the petitioner could be granted. Therefore, this petition is dismissed. However, the second respondent shall expedite the investigation.

-s/d-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

To

1. The Superintendent of Police,
Erode District, Erode.

2. The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

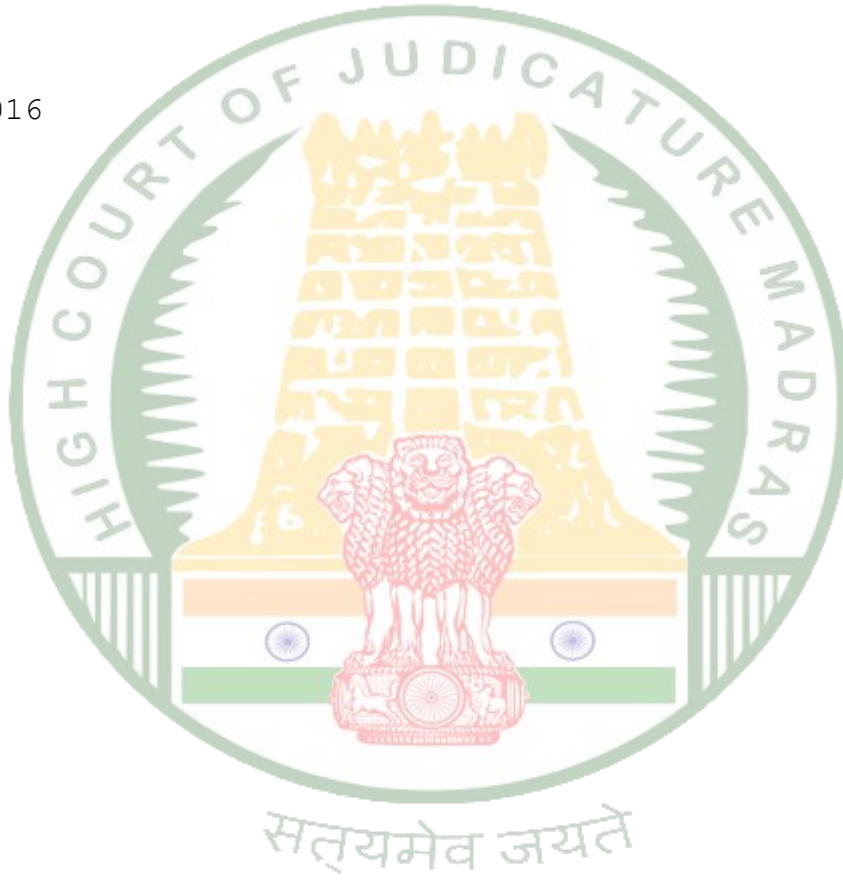
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3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.M.Guruprasad Advocate sr 49223/16

H.C.P.No. 1329 of 2016

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