

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.177 of 2016

K.Rani @ Selvarani

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal.

2. The Inspector of Police,
Namakkal Police Station,
Namakkal.

3. M.Mahendran

4. P.Mani

5. M.Parvathy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the body of the detenu, namely, Jayanthi, daughter of Late Karunakaran, aged 19 years, who is illegally detained by the respondents 3 to 5, before this Court and set her at liberty.

For Petitioner : Mr.MA.P.Thanvavel

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor
for R1 and R2
Mr.N.Manokaran, for R3 to R5

O R D E R

(The order of the Court was made by M.JAICHANDREN.,J)

This habeas corpus petition has been filed by the mother of the detenu, namely, Jayanthi, praying that this Court may be pleased to direct the respondents 1 and 2 to produce the detenu, aged about 19 years, before this Court and to set her at liberty.

2. The petitioner is the mother of the detenu. She has stated that her daughter, Jeyanthi, aged about 19 years, is in the illegal custody of the respondents 3 to 5. Therefore, she has preferred a complaint, before the second respondent police. However, as the second respondent police has not taken sufficient steps, to trace the detenu, the petitioner has preferred the present habeas corpus petition, before this Court.

3. A detailed status report, dated 21.3.2016, has been filed by the second respondent, wherein, the steps taken by him have been narrated. Paragraph No.11 of the status report reads as follows:

"11. I submit that the investigation reveals that prior to the occurrence, the missing woman Jayanthi had love affair with 3rd respondent upon their own willingness both eloped and marriage was solemnized and thereafter due to misunderstanding both are separated. Though, the missing women had illegal affair with many persons and contacted them by way of sending SMS, etc., and still maintaining their contacts. Now, she once again found missing. The respondent police is taking sincere and effective steps to trace out the missing woman-Jayanthi. I further humbly submit that as soon as the detenu is traced, the detenu will be produced before the competent court of law."

4. In such circumstances, we are not inclined to grant the relief, as prayed for by the petitioner, in the present habeas corpus petition. Hence, the habeas corpus petition stands dismissed. However, the second respondent is directed to continue the investigation and take necessary steps to trace the detenu, in accordance with law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msk

To

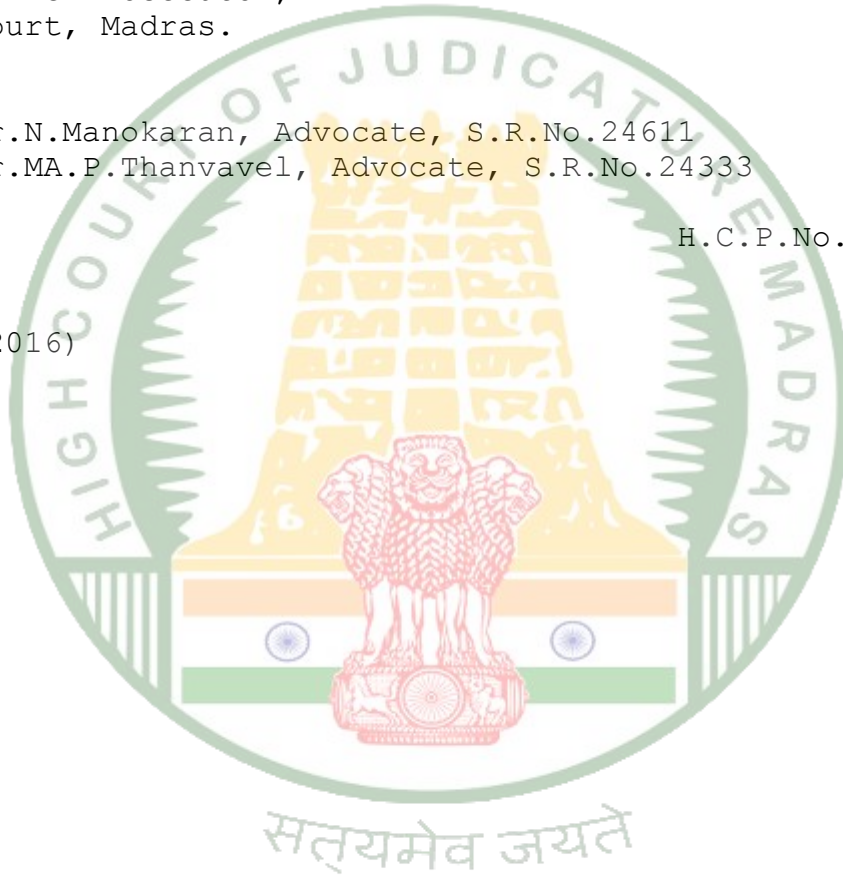
1. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.24611

+1cc to Mr.MA.P.Thanvavel, Advocate, S.R.No.24333

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SV(CO)
CA(27/05/2016)



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