



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P (MD) No.1151 of 2014

Subramanian

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police (L&O),
Tallakulam Range,
Madurai City.

3.The Inspector of Police,
Tallakulam Police Station,
Madurai City.

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 to 3 to produce the detenue or her corpus namely Divya, D/o.T,Subramanian, female, aged 22 years, before this Court and set her at liberty forthwith.

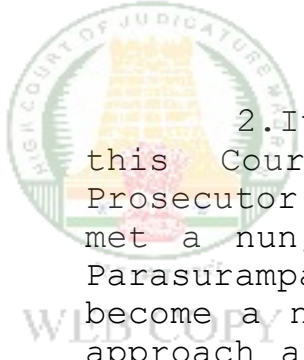
For Petitioner : Mr.A.Uthayakumar

For Respondents : Mr.A.Ramar,
Addl. Public Prosecutor.

ORDER

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner is the father of one Divya, who is doing Master Degree in Engineering at MEPCO Engineering College at Sivakasi. According to the petitioner, on 09.06.2014, she left her house and thereafter she did not return. In this regard, a complaint was made by the petitioner on 21.06.2014, upon which, a case has also been registered. Since, the missing woman has not been traced, the petitioner filed this Habeas Corpus Petition in the year 2014.



2.It came up for hearing on several days. On 03.12.2015, this Court was informed by the learned Additional Public Prosecutor that after the detainee had left her parental home, she met a nun, by name Sis.Valeria at St. Mary of Leuca Hospital, Parasurampatti, K.Pudur, Madurai and expressed her desire to become a nun, whereupon Sis.Valeria informed her that she should approach a congregation through the Church. It was also informed by the learned Additional Public Prosecutor that thereafter the girl left, but her whereabouts were not known. He also submitted that the respondent police was taking earnest efforts to locate her.

3.When the matter came up on 11.08.2016, since the detainee had not been rescued, this Court passed an order directing the Commissioner of Police, Madurai City to form a Special Squad for the purpose of investigation of this case under the supervision of an officer, not below the rank of Assistant Commissioner of Police. The matter was ordered to be listed today. Accordingly, the matter came up today for hearing. Number of status reports have also been filed by the respondent police.

4.Today, when the matter was taken up, the learned Additional Public Prosecutor submitted that earnest efforts are taken by the police to find out the location of the detainee. As a matter of fact, according to him, the police had met All India Pentecost Mission at Chennai, gave photographs and also requested for some information. Similarly, they have also met few more organisations to find out the location of the detainee.

5.It is seen from the records that earnest efforts are taken by the police and the investigation has also taken the right direction. From the various status reports and submissions made by the learned Additional Public Prosecutor and the averments made, more particularly the fact that the detainee had gone out of her house on her own accord to become a nun, we are satisfied that this is not a case of illegal detention and there is no scope to pass any further order in this Habeas Corpus Petition. Therefore, we have no option, except to close the Habeas Corpus Petition with a direction to the police to expedite the investigation. We also give liberty to the petitioner to approach this Court after a reasonable period, if no progress is made in the investigation.

6.With the above directions, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

/True Copy/



To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police (L&O),
Tallakulam Range,
Madurai City.

3.The Inspector of Police,
Tallakulam Police Station,
Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.A.Uthaya Kumar,Advocate, Sr.No: 50651

JAM/SKS-RR/20.09.16/ 3P-6C

ORDER MADE IN
H.C.P (MD) No.1151 of 2014

07.09.2016