



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.1614 of 2015

B.Seenivasan

.. Petitioner

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Sellur Police Station,
Madurai District.

.. 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 and 2 to produce the body or person of petitioner's mother namely Neelavathi @ Pathmavathi, W/o.Balakrishnan, aged about 68 years and set her at liberty.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.A.Ramar,
Addl. Public Prosecutor.

ORDER

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

The petitioner is the son of one Mrs.Neelavathi @ Pathmavathi, Wife of Balakrishnan, aged 68 years. According to the petitioner, she has been found missing from 14.06.2013 onwards. On a complaint made, in this regard, a case has been registered in Crime No.1205 of 2013 for "Woman Missing" on the file of the second respondent police. Since the woman has not been rescued, the petitioner has come up with this Habeas Corpus Petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.



3. A few status reports have also been filed on the side of the respondents, wherein it is stated that earnest steps are taken by the respondent police to investigate the matter thoroughly and to locate the detainee. In our considered view, keeping the investigation in the hands of the Inspector of Police, Sellur Police Station, Madurai City, may not serve any purpose, because all his efforts taken all the days, have gone futile. Therefore, in our considered view, it would be in the interest of justice, to transfer the investigation to the Assistant Commissioner of Police, Central Crime Branch, Madurai City for further investigation. We further direct the Transferee Investigating Officer to expedite the investigation.

4. In the result, the Habeas Corpus Petition is closed, with a direction to the Commissioner of Police, Madurai, to transfer the investigation of the case in Crime No.1205 of 2013 from the file of the Inspector of Police, Sellur Police Station, Madurai, to the Assistant Commissioner of Police, Central Crime Branch, Madurai City, forthwith and the Transferee Investigating Officer shall expedite the investigation.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

smn

To

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai District, Madurai.
- 2 The Assistant Commissioner of Police
Central Crime Branch, Madurai City.
3. The Inspector of Police,
Sellur Police Station, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to MR. R. KARUNANIDHI, ADVOCATE, SR.NO.51221

JAM /SS -2/15.09.16/2P-6C