



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. [MD] .No.707 of 2016

M.Karuppaiah

: Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Paramakudi Town Police Station,
Ramnad District.

3.S.Pannerselvam

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body in person of the detenu, namely K.Elbonia, D/o.Karuppaiah, aged 20 years, petitioner's daughter before this Court and set her at liberty.

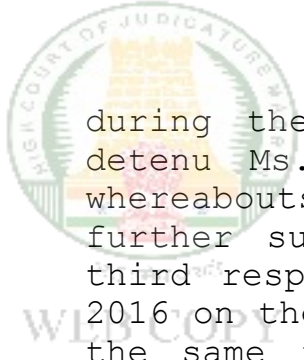
For Petitioner : Mr.M.Navin Kumar

For Respondents 1&2 : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

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

The petitioner is the father of one Ms.K.Elbonia, aged 20 years. She was studying Bachelor of Engineering Degree Course in SBM College in Dindigul. According to the petitioner, she has been found missing from 18.05.2016 onwards. In this regard, on a complaint made by the petitioner, a case has been registered in Crime No.244 of 2016 on the file of the second respondent and the same is under investigation. Since the girl has not been secured by the second respondent, the petitioner has come up with this Habeas Corpus Petition.



during the course of investigation, it came to light that the detenu Ms.K.Elbonia has eloped with the third respondent. The whereabouts of the third respondent is also not known. He would further submit that on a complaint given by the father of the third respondent, a case has been registered in Crime No.153 of 2016 on the file of Manamadurai Police Station for man missing and the same is also under investigation. The third respondent has also not been secured.

3. In view of the above said statement made by the learned Additional Public Prosecutor, it is crystal clear that there is no illegal confinement of K.Elbonia and it appears to be a case of elopement of K.Elbonia along with the third respondent. It is also brought to our notice by the learned Additional Public Prosecutor that the love affair between the third respondent and K.Elbonia was known to the petitioner and other family members and that is the reason why, in order to disconnect her relationship with the third respondent, she was taken out the College in Manamadurai and put in SBM College at Dindigul. In view of the above said statement, since we are satisfied that there is no illegal confinement of K.Elbonia, we are unable to grant the relief as prayed for. The Habeas Corpus Petition is, therefore, dismissed, however, with a direction to the second respondent to go ahead with the investigation.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police, Ramanathapuram District.

2.The Inspector of Police,
Paramakudi Town Police Station, Ramnad District.

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

+1 CC to M/s.K.MAHESWARAN, Advocate, SR No.58053

Order made in
H.C.P. [MD] .No.707 of 2016
Dated: 01.11.2016

SML

SH/SKS-RR:15.11.2016:2P/5C