



WEB COPY

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.731 of 2016

Uma

.. Petitioner

Vs.

1.The Superintendent of Police
Madurai District.

2.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti
Madurai District

3.Saravanan

4.Palani

5.Thangammal

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 herein to produce the body and person of the petitioner's daughter M.Priyanka, aged 21 years, D/o.Mayandi, from the illegal custody of the respondents 3 to 5 herein, before this Court and set her at liberty.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.A.Ramar for R1 and R2
Addl.Public Prosecutor

ORDER

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

The petitioner is the mother of one Priyanka, D/o.Mayandi, aged 21 years. According to the petitioner, she has been found missing from 03.06.2016. In this regard, a complaint has been made by the petitioner and a case in Crime No.283/2016 has been registered on the file of the 2nd respondent and the matter is under investigation. Since the detenu has not been secured, despite complaint, the petitioner has come up with this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices> heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2. We have also perused the records carefully.



3. Today, the 2nd respondent has filed a status report, wherein, he has stated that among other things in Paragraph Nos.9 and 10 as follows:

"9. I submit that the 1st respondent vide his proceedings dated 29.08.2016 in C.No.702/C/SBMD/2016 appointed the Deputy Superintendent of Police, Usilampatti Sub Division to take up the investigation of the case in Cr.No.283 of 2016. Under his leadership, a special team was constituted to secure the detenu as expeditiously as possible. Accordingly, the case diary and all connected records of the case were handed over to him on 29.08.2016.

10. I submit that the preliminary investigation reveals that it is prima facie a case of elopement on the part of the detenu and the 3rd respondent herein. Investigation also reveals that the detenu had left her matrimonial home on her own accord. Therefore, it can be prima facie seen that the detenu, a major aged about 21 years, is no longer under any illegal detention. However, we are making sincere and effective steps to secure the detenu as soon as possible."

4. From the above status report, it is crystal clear that it is not a case of any illegal detention, but it is a case of elopement of the detenu with the third respondent.

5. In view of the same, no further relief could be granted to the petitioner in this Habeas Corpus Petition. Accordingly, this petition is dismissed with a direction to the respondent police to expedite the investigation.

Sd/

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Madurai District.
 2. The Inspector of Police, Usilampatti Town Police Station, Usilampatti, Madurai District
 3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1CC to M/S.K.Appadurai, Advocate, SR.No. 51122.

ORDER MADE IN

H.C.P (MD) No.731 of 2016

07.09.2016