

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1628 of 2017

Gandhimathi

... Petitioner

vs.

- 1.The Superintendent of Police,
Thiruvapur District,
Tiruvapur.
- 2.The Inspector of Police,
Tiruvapur Town Police Station,
Tiruvapur District.
- 3.Karunalaya Home,
No.41, North Street,
Kamalambal Nagar,
Tiruvapur Medical Centre Back Side,
Tiruvapur

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents 1 to 3 to produce the body of the detenu by name Abarna, aged 17 years, before this Court.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.V.M.R.Rajentran, Addl.P.P.
For R1 and R2

ORDER

(Order of the Court was made by A.SELVAM,J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 and 2 to trace out and produce the detenu, by name, Abarna, aged 17 years, daughter of the petitioner, from the custody of the third respondent.

2. It is averred in the petition that the present petitioner, as petitioner, has already filed H.C.P.No.1584 of 2017, on the file of this Court, wherein it is prayed to give necessary direction to the respondents therein to trace out and produce the detenu by name Abarna, daughter of the petitioner.

3.The second respondent, viz., the Inspector of Police, Tiruvarur Town Police Station, has produced the detenue in H.C.P.No.1584 of 2017. Since the petitioner has failed to make her appearance, H.C.P.No.1584 of 2017 has been dismissed and since the detenue is a minor, she has been housed in a Home and she is under the care and custody of the third respondent. Now the petitioner has filed the present petition for getting the relief sought therein.

4.The petitioner is present and she has been identified by her counsel.

5.The second respondent, viz., The Inspector of Police, Tiruvarur Town Police station, has produced the detenue and she has been identified by the petitioner/her mother. The detenue has expressed her willingness to go with the petitioner.

6.Considering the aforesaid factual circumstances, the relief sought in the petition has become infructuous.

In fine this habeas corpus petition is dismissed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

msk

To

1.The Superintendent of Police,
Thiruvarur District,
Tiruvarur.

2.The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur District.

3.Karunalaya Home,
No.41, North Street,
Kamalambal Nagar,
Tiruvarur Medical Centre Back Side,
Tiruvarur

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Mohideen Basha,Advocate sr.63900

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