

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.168 of 2017

N. Baby

.. Petitioner

Vs

1. The Superintendent of Police,
Thiruvarur District
2. The Deputy Superintendent of Police,
Mannargudi Range, Thiruvarur District
3. The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi Taluk, Thiruvarur District.

4. Manikandan

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus or any other appropriate Writ, Order or Direction more specifically in the nature of a Writ of Habeas Corpus directing the respondents 1 to 3 to produce the body of the petitioner's daughter Sumathi, W/o Jaishankar and daughter of Natarajan, aged about 30 years and that the petitioner's grand daughter Abhinaya, daughter of Jaishankar, aged 7 years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.J.T. Rajasuriya

For R.1 to R.3 : Mr.V.M.R. Rajentren
Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of one Sumathi, who was given marriage to one Jaishankar, S/o Veerappa Konar of Seran Kulam, Mannargudi Taluk. Sumathi has a daughter aged about 7 years by name Abhinaya. According to the petitioner, from November 2016

onwards, Mrs.Sumathi is found missing along with the child Abhinaya.

2. In this regard, the father-in-law of Mrs.Sumathi has made a complaint. Despite the same, according to the petitioner, the third respondent has not taken any steps to secure Mrs.Sumathi. With this grievance, the petitioner has come up with this Habeas Corpus Petition.

3. It is submitted by the learned Additional Public Prosecutor, on instructions from the third respondent, that enquiry revealed, Mrs.Sumathi has eloped with fourth respondent taking the child Abhinaya along with her. The third respondent is taking steps to find out the whereabouts of Mrs.Sumathi and her child.

4. In view of the submissions made by the learned Additional Public Prosecutor, we are satisfied that it is not a case of illegal detention and it is a case of elopement. Therefore, we are unable to grant the relief as sought for in this petition. However, the third respondent shall continue the investigation. With the above observation, the habeas corpus petition is dismissed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sr
To

1. The Superintendent of Police,
Thiruvavur District
2. The Deputy Superintendent of Police,
Mannargudi Range, Thiruvavur District
3. The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi Taluk, Thiruvavur District.
- 4.The Public Prosecutor, High Court, Chennai.

+1cc to M/s.J.T.Rajasuriya,Advocate sr.16342

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skv(co)
ss(24/3/2017)