

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1843 of 2017

V.Padma Velayutham

... Petitioner

Vs.

1.Deputy Superintendent of Police
Periyanaickanpatti Rural Police Station
Coimbatore.

2.Inspector of Police
Thudiyalore Rural Police Station
Coimbatore.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records of the detenu made herein the same and direct the respondents to produce the detenu women namely Kavitha @ Joy aged about 50 years and namely Mr.Solomon Ebinezer, aged about 11 years before this Court forthwith and set them liberty.

For Petitioner : No Appearance
For Respondents : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor.

O R D E R

(Order of the Court was made by RAJIV SHAKDHER, J)

1. Pursuant to the hearing held on 01.11.2017, a status report dated 27.11.2017 has been filed by Mr.S.Vetriventhan, Inspector of Police, Thudiyalur Police Station, Coimbatore District. On the last date, we had recorded as follows:

"1.While, it is very difficult to comprehend what the petitioner is attempting to state, by perusing the petition, we have been able to glean some information, based on the representation dated

22.08.2016, appended to the petition. This representation was, apparently, filed by the petitioner with the District Collector, Coimbatore.

2. It appears, according to the petitioner, the detinue, Ms.Kavitha, who is her daughter, has eloped with, one, Mr.Richard Selvanathan. According to the petitioner, Mr.Richard Selvanathan, is a resident of Malaysia.

3.The learned Additional Public Prosecutor says that he will ascertain as to whether or not Ms.Kavitha, along with her child, from her marriage with, one, Mr.Justin, has left for Malaysia.

4.To be noted, via this petition, the petitioner not only seeks to secure the custody of the detinue, Ms.Kavitha, but also her grandson Master Solomon Ebinezer.

5.The learned Additional Public Prosecutor will file a status report with this Court on or before the next date of hearing.

6.Re-notify the matter 27.11.2017."

2. The status report gives details of the steps taken by the Inspector of Police, to trace the detinue and her son, Solomon Ebenezer. Steps have also been taken to contact Malaysian Embassy to obtain instructions as to whether or not, the detinue/Ms.Kavitha and her son, Solomon Ebenezer have left India for Malaysia with, one, Mr.Richard Selvanathan. It appears that no information has been received from the Malaysian Embassy.

2.1. Furthermore, the Inspector says that even though notices were issued to the complainant in Crime No.661 of 2016, she did not turn up to assist the Investigating Officer in finding out the location of the detinue/Ms.Kavitha and her son.

2.2. It is also averred in the status report that a request was also made to the Advocate engaged by the petitioner, that is, one, Mr.Annadurai, to co-operate in the matter. It appears that Mr.Annadurai too has not helped the Investigating Officer.

3. Today, there is no representation on behalf of the petitioner. It appears that the petitioner is not, presently, interested in pressing the petition.

4. Accordingly, the petition is closed. This, however, will not come in the way of the Investigating Officer pursuing with the investigation in respect of the case registered as Crime No.661 of 2016.

5. In case, any intimation is received from the Malaysian Embassy, the Investigating Officer shall take that information into account as well. In the event, the petitioner wishes to revive the captioned petition, she will have liberty to move the Court, albeit, in accordance with law.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsm

To

- 1.The Deputy Superintendent of Police
Periyanaickanpatti Rural Police Station
Coimbatore.
- 2.The Inspector of Police
Thudiyalore Rural Police Station
Coimbatore
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.A.SHANKAR, Advocate, S.R.No. 84278

H.C.P.No.1843 of 2017

TR(17/01/2018)

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