

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No.215 of 2017

Narayanasamy ... Petitioner
Vs.

1.The Inspector of Police,
Berigai Police Station,
Berigai,
Hosur Taluk,
Krishnagiri District.
2.Udaya Kumar
3.Saradha
4.Venkataramappa
5.Logesh ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to produce the body of the petitioner's minor daughter Nethra, aged 16 years, before this court and to hand over the custody to the petitioner.

For Petitioner : Mr.P.Mani

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor for R1

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the first respondent.

2 This Habeas Habeas Corpus Petition has been filed, praying that this Court may be pleased to direct the respondents to produce the minor daughter of the petitioner, namely, Nethra, aged about 16 years, before this court and to hand over the custody of the detinue to the petitioner and to pass such

further or other orders, as this Court may deem it necessary, in the given facts and circumstances of the case.

3 From the records placed before us, we find that this Court had passed an order, on 15.2.2016, in H.C.P.No.1264 of 2013, in the absence of the learned counsel appearing on behalf of the petitioner. Paragraphs 4 and 5 of the said order read as follows :

"4.A status report, dated 6.1.2016, had been filed before this Court stating that steps had been taken to trace the detainee. It has also been stated that the petitioner is not co-operating with the first respondent Police in investigating the matter.

5.In view of the submissions made by the learned Additional Public Prosecutor appearing on behalf of the first respondent and on a perusal of the status report, dated 6.1.2016, filed before this Court, we are of the view that no further orders are necessary in the present Habeas Corpus Petition, at this stage. However, the first respondent Police is directed to continue with the investigation to trace the detainee and to take necessary steps, in accordance with law. Hence, the Habeas Corpus Petition stands closed."

4 In such circumstances, we do not find any cause or reason to issue a further direction to the first respondent to take steps to trace the detainee. As such, a direction had already been issued by this court, by its order, dated 15.2.2016. Hence, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it may be open to the petitioner to seek his relief, if any, before the appropriate forum, in the manner known to law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vvk

To

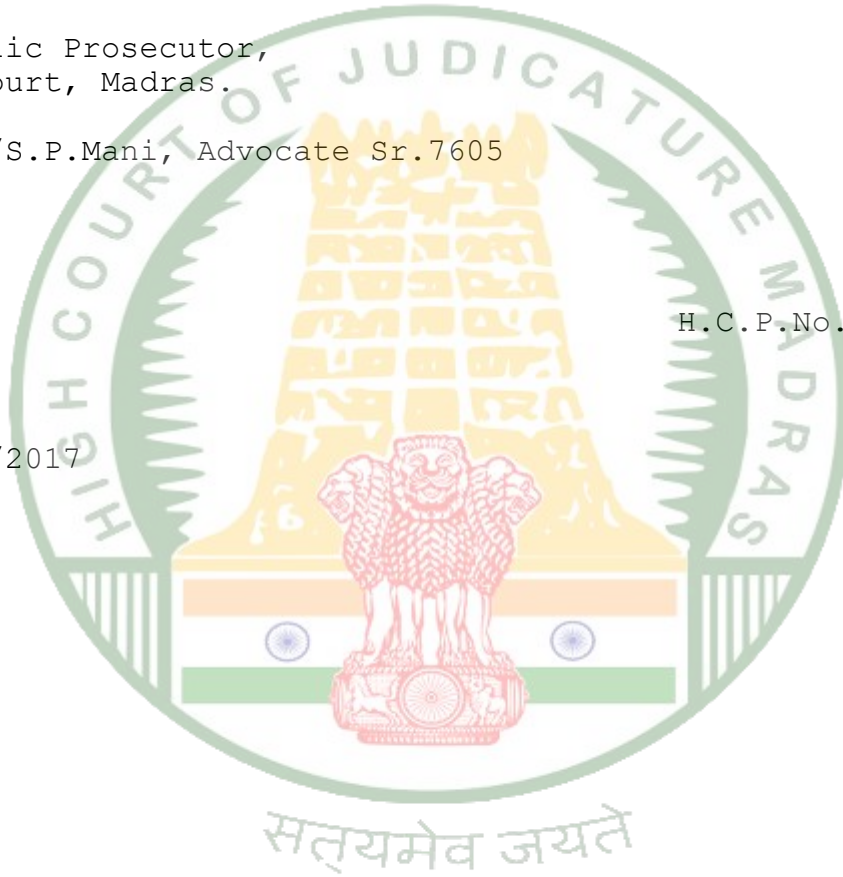
1.The Inspector of Police,
Berigai Police Station,
Berigai,
Hosur Taluk,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.P.Mani, Advocate Sr.7605

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