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.1722 of 2016

P.Anitha .. Petitioner

Vs

1. The State represented by its
   The Inspector of Police
   P1, Puliyanthoopu Police Station,
   Chennai.

2. The Commissioner of Police,
   O/o the Commissioner of Police,
   Veppery, Egmore, Chennai. .. Respondents

(2nd Respondent impleaded as per order dated 3.10.2016 in Crl.M.P.No.10489/2016)

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the Respondents to produce the petitioner's minor son Thiru.P.Narendran, S/o Venkataswaralu, aged about 13 years either in person or body.

For Petitioner : Mr. P.G.Perumal Pandian

For Respondents : Mr.V.M.R. Rajendran
Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of one P.Narendran, S/o.Venkateswaralu, aged 13 years. According to the petitioner, Minor P.Narendran (hereinafter referred to as "the detenu") is mentally retarded child and from 25.12.2015, he has been found missing. In this regard, a complaint was made by the petitioner and a case has been registered in Crime No.1269 of 2015 on 27.12.2015. Since the detenu has not been secured so far, the petitioner has come up with this petition.

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2.It is submitted by the learned Additional Public Prosecutor that every effort is taken by the police to secure the missing child, but the child could not be traced.

3.From the narration of facts, it is crystal clear that this is not a case of illegal confinement. Therefore, we are unable to grant the relief as prayed for. But, at the same time, we deem it appropriate to issue a direction to the respondent police to investigate the matter, secure the child and hand over to the petitioner.

4.The Habeas Corpus Petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

av/cse

To

1. The Inspector of Police
   P1, Puliyanthoopu Police Station,
   Chennai.

2. The Commissioner of Police,
   O/o the Commissioner of Police,
   Veppery, Egmore, Chennai.

3. The Public Prosecutor,
   High Court, Chennai.

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