



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

H.C.P. (MD) No.1699 of 2017

Mottayammal : Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Amathur Police Station,
Virudhunagar.

3.Mani : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the person or body of the petitioner's daughter namely Maheswari, D/o.Mottaisamy, aged about 40 years before this Court and set her at liberty.

For Petitioner	: Mr.R.Rajamohan
For R1 and R2	: Mr.C.Ramesh Additional Public Prosecutor
For R3	: No appearance

ORDER

[Order of the Court was made by **R.SUBBIAH, J**]

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's daughter namely Maheswari, D/o.Mottaisamy, aged about 40 years before this Court and set her at liberty.

2.In the affidavit, it has been averred that the detenu namely, Maheswari, D/o.Mottaisamy, aged about 40 years, was found missing from 10.06.2014. Immediately, the petitioner searched for her daughter in various places, but she could not trace her.



Hence, the petitioner made a complaint before the second respondent. Since no effective steps have been taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. A perusal of the affidavit would show that on 17.11.2010 the detenu eloped with the third respondent and after searching for her daughter in various places, the petitioner traced the detenu in the month of May 2014. Again, on 10.06.2014 the detenu eloped with the third respondent.

4. In view of the above, since the detenu is a major and she has a habit of elopement with the third respondent, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, this Habeas Corpus Petition is closed. However, the respondent police is directed to investigate the case in Crime No.372 of 2017 and proceed further in accordance with law.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
Amathur Police Station,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AE/SKN RSK/SAR4/22.12.2017/2P/4C

Order made in
H.C.P. (MD) No.1699 of 2017
Dated:
05.12.2017