

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.210 of 2019

Loganayaki

... Petitioner

-vs-

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
O/o.The Inspector of Police,
Attur Police Station,
Salem District.

3.Ashok

4.Sathiyaraj

5.Rani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus Petition to direct the respondents 1 to 2 to produce the body or person of the petitioner's daughter, namely E.Elakkiya, D/o.Elumalai, aged 17 years 7 months before this Hon'ble Court and handover the petitioner's daughter i.e., E.Elakkiya to the petitioner.

For Petitioner: Mr.M.Natarajan

For Respondents: Mr.C.Iyyapparaj,
R1 & R2 Additional Public Prosecutor

ORDER

[Order of the Court by M.Sathyanarayanan, J.]

The petitioner is the mother of the detainee viz., E.Elakkiya, aged 17 years and was born on 03.06.2001. The detainee had successfully completed XII standard examinations during March, 2019 and by way of self finance, she was admitted in B.E. I year in Muthaiyambal College, Rasipuram and during holidays she was taken to the home on 10.01.2019 and when she

was about to return, the detainee, under the guise of nature's call went out and she did not return and she could not be traced. In this regard, the petitioner gave a complaint to the second respondent police, based on which a case in Crime No.27 of 2019 came to be registered under Section 366(A) I.P.C.

2. The Habeas Corpus Petition was entertained and notices were ordered on 29.01.2019. The matter is taken up today at the instance of the learned Additional Public Prosecutor for the reason that the detainee has been traced and produced.

3. The detainee, who is present before this Court, has been enquired into. She would state that since she finds extremely difficult to cope up with the studies, on her own volition, she went to her friends house and would further state that she is willing to go along with her parents and also willing to pursue her studies in B.A. Tamil. The detainee denies other allegations.

4. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the investigation will be conducted in a fair, proper and impartial manner.

5. In the light of the fact that the detainee has been traced and her custody has been handed over to her parents, no further orders are necessary. Hence, this Habeas Corpus Petition is closed.

Jvm

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Salem District.
- 2.The Inspector of Police,
O/o.The Inspector of Police,
Attur Police Station,
Salem District.

+1cc to Mr.M.Natarajan, Advocate,Sr.No.17262

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Kak(29/03/2019)