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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 254 of 2019

Nagarani .. Petitioner/Complainant/Mother of the detenu

-vs-

1.The Commissioner of Police,
Chennai Police,
Vepery, Chennai -7.

2.The Inspector of Police,
R-6 Kumaran Nagar Police Station,
Chennai - 83.

3. Veeraragavalu ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing respondents 1 and 2 herein to produce the body or person of the petitioner's daughter by name "Saranya" aged about 29 years and set her at liberty and restore her to the petitioner's custody.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.R.Prathap Kumar
: Addl. Public Prosecutor for
R1,R2
: Mr.P.Muthamizh Selvakumar
: for R3

ORDER

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

Petitioner, who is the mother of the detenu, has come forward to file this habeas corpus petition.



2.From the status report filed, it appears that the detenue is not with the third respondent. The third respondent is also produced before the Court and filed an affidavit to that effect. The petitioner has also given a letter stating that she came to know subsequently that the detenue is not with the third respondent. However, the fact remains that the detenue is missing, though strangely, her husband has not given any complaint. Even on the earlier occasion, the detenue has left the matrimonial home. She also filed a petition for divorce which has been subsequently dismissed for default. Therefore, we do not find any illegal detention involved.

3.Learned counsel appearing for the petitioner submitted that the detenue is having minor children and her whereabouts are not known.

4.Considering the above, we direct the second respondent to proceed with the investigation and make all endeavour to trace the detenue. As and when the detenue is secured, she should be produced before the jurisdictional Magistrate. Accordingly, the habeas corpus petition stands closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Commissioner of Police,
Chennai Police,
Vepery, Chennai -7.
- 2.The Inspector of Police,
R-6 Kumaran Nagar Police Station,
Chennai - 83.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Balakrishnan, Advocate SR.98753

+1cc to Mr.P.Muthamizh Selvakumar, Advocate SR.98898

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RJI (CO)
CB(22/01/2020)