

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.1237 of 2018

P.Nandini .. Petitioner
Vs.

1.The State Rep.by Inspector of Police,
All Women Police Station, Sankari,
Salem District.

2.The Superintendent of Police,
Salem District, Salem.

3.G.Kannan .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the respondents to produce the body of the minor girl by name P.Nithya, aged about 17 years, D/o.Periyasamy, before this Court and further may handover the minor girl to the petitioner.

For Petitioner .. Mr.C.Kulanthaivel

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

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ORDER

(Order of the Court was delivered by M.M.SUNDRESH, J.)

The petitioner is the mother of the detenu - P.Nithya, aged about 17 years. This petition has been filed seeking a direction to the respondents for production of the missing detenu.

2. The learned Additional Public Prosecutor, on instructions, submitted that the minor girl eloped with the 3rd respondent. The efforts made till now did not produce any desired result in tracing the detainee and the 3rd respondent. He further submitted that the 1st respondent has taken extraordinary efforts to trace the detainee and the 3rd respondent.

3. The learned counsel for the petitioner submitted that the parents of the 3rd respondent have not been enquired till date.

4. We find from the status report filed by the 1st respondent that the parents of the 3rd respondent have been duly examined by the police. Though the minor girl is missing for nearly one month, she is yet to be traced.

4. Though we do not find any mistake on the part of the investigating officer, the fact remains that the detainee is yet to be traced. In such view of the matter, we direct the 2nd respondent to monitor the investigation and take suitable steps to secure the detainee and the 3rd respondent and as and when they are traced, they should be produced before the jurisdictional Magistrate. The petitioner is at liberty to approach the 2nd respondent to furnish information, if any available, with her. The petitioner is also given liberty to approach this court, if no further progress is made, for transfer of investigation.

5. In the result, this Habeas Corpus Petition stands dismissed with the above observations.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk/smv

To

1.The Inspector of Police,
All Women Police Station, Sankari,
Salem District.

2.The Superintendent of Police,
Salem District, Salem.

3.The Public Prosecutor, High Court, Madras - 104.
+1cc to Mr.C.Kulanthaivel , Advocate SR.No. 61818

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A.SK(16/09/2019)