

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

Coram

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

H.C.P. No.1933 of 2016

R.Ananthi

... Petitioner

-vs-

1.The Superintendent of Police,
Thiruvaroor District,
Thiruvaroor.

2.The Inspector of Police,
All Women Police Station,
Mannarkudi,
Thiruvaroor District.

3. Raja

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body or person of the petitioner's male child the detenu namely Athikeswaran, aged about 1 ½ years under the illegal custody of the 3rd respondent before this Court and set him at liberty.

For Petitioner : Mr.K.Kannan

For Respondents

Mr.C.Iyyappa Raj
Addl. Public
Prosecutor
: for R1 & R2
Mr.S.Kingston Jerold
for R3

ORDER

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

The petitioner, is the mother of the detenu, who is the child of tender age. Suspecting that the third respondent, who is the father, has taken the child illegally, the present habeas corpus petition has been filed.

2. As there was no progress in the investigation made, by the orders of this Court, it was transferred to CBCID. A special crime number was assigned and the investigation was proceeded with. The investigation done so far would reveal that the child must have been in the custody of one Siddhik @ Ambhigapathy, who, happened to be the friend of the third respondent. The aforesaid Siddhik @ Ambhigapathy is also not traceable. The sister of Siddhik @ Ambhigapathy was also examined.

3. Now, three years have elapsed. The child is yet to be traced and so also Siddhik @ Ambhigapathy. This Court has already transferred the investigation to CBCID and the investigation is going on. We may also note that even for the death of his father, the said Siddhik @ Ambhigapathy has not chosen to come to his house.

4. Thus, we do not find any useful purpose in keeping the petition pending any longer. Accordingly, the habeas corpus petition stands closed, with the direction to the Inspector of Police, CBCID to proceed with the investigation. As and when, the detenu is secured, he should be produced before the concerned jurisdictional Magistrate.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To:

1.The Superintendent of Police,
Thiruvaroor District, Thiruvaroor.

2.The Inspector of Police,
All Women Police Station,
Mannarkudi,
Thiruvaroor District.

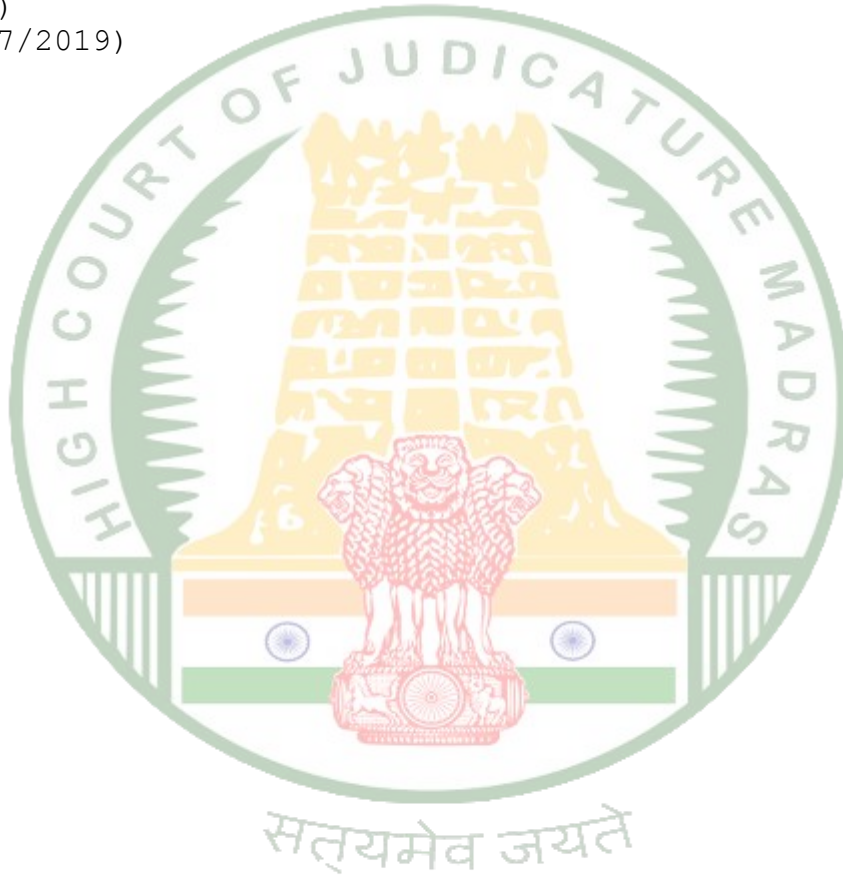
3.The Public Prosecutor,
High Court, Madras.

4.The Inspector of Police,
CBCID,Thiruvaroor District.

+1cc to Mr. K.Kannan, Advocate SR.No. 54693

H.C.P. No.1933 of 2016

NMI (CO)
A.SK(30/07/2019)



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