

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

Coram

The Honourable Mr.Justice R.SUBBIAH
and
The Honourable Mr.Justice KRISHNAN RAMASAMY

H.C.P.No.418 of 2019

K.Mogiliyammal .. Petitioner
vs.

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

2. The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham 632 602.

3. Naveen Kumar .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the 1st and 2nd respondents to produce the body of the detainee/namely Sasikala aged 17 years, Daughter of Mogiliyammal from the illegal custody of the third respondent before this Court and hand over to the petitioner.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mrs.V.Sarathadevi
Government Advocate (Crl.side)

ORDER

(Order of the Court was made by R.SUBBIAH,J.)

Petitioner is the mother of the detainee. She has filed the above habeas corpus petition seeking direction to the respondents 1 and 2 to produce the body of her daughter/detinue namely, Sasikala before this Court.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

3. The petitioner claiming that her daughter is studying 1st year B.Sc., in GTM College, Gudiyatham. She went to college on 10.12.2018 and returned home and her daughter was found missing from 10.12.2018 at about 11:30 p.m. and the petitioner made enquiry with the neighbours and relatives but she was not able to find out her daughter. She had a suspicion on the third respondent viz., Naveen Kumar that her daughter Sasikala was kidnapped by him. Hence the petitioner preferred a complaint to the second respondent at 5:00 p.m. on 11.12.2018 regarding the missing of her minor daughter. But the second respondent neither issued CSR nor registered a case. The petitioner preferred a complaint before the first respondent police on 11.02.2019 and obtained a receipt in No.23/SPG/SB/2019 which is kept pending. Hence she filed the above habeas corpus petition with the prayer as stated above.

4. This petition came up before this Court for admission on 26.02.2019. After notice to the respondents, the matter was adjourned by two weeks for production of the detinue. Accordingly, the learned Government Advocate (Criminal side) produced the detinue before this Court today. The learned Government Advocate (Crl.side) submitted that based on the complaint of the petitioner, FIR has been registered in Crime No.86 of 2019 for offence under Section 376 IPC 5(1) and 6 of POSCO Act and the accused has been remanded to custody on 24.02.2019.

5. This Court has enquired the detinue and the detinue stated that she is aged about 17 years. She expressed her willingness to go along with the petitioner/her mother, hence this petition is closed. It is open to the first and second respondents to proceed with the investigation in Crime No.86 of 2019.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham 632 602.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.Anbu, Advocate Sr.No.23378

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VSN-II (CO)
CSL/10.04.2019



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