

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

Coram

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

H.C.P. No. 1921 of 2019

T.Shyamala ...Petitioner/Mother of the Detenu

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram.

2.The Inspector of Police,
H-2 Guduvancheri Police Station,
Kancheepuram District.

3.Karthick ... 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 trace out and produce the petitioner's daughter/detenu Mrs. Gayathri, wife of Kothandan, aged about 25 years before this Court from the illegal custody of the third respondent and set her at liberty.

For Petitioner : Mr.P.Arun Kumar

For Respondents Mr.R.Prathap Kumar
: Addl. Public Prosecutor
for R1, R2

ORDER

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

Seeking a direction to the first and second respondents to trace out and produce the petitioner's daughter/detenu Mrs. Gayathri, wife of Kothandan, aged about 25 years before this Court from the illegal custody of the third respondent and set her at liberty, the present Habeas Corpus Petition has been filed.

2. From the submission made, it appears that it is a case of second time elopement with the third party, namely, the third respondent. On the earlier occasion, the detainee was secured and she has stated that she is not in the illegal custody. The only difference is that on the earlier occasion, the detainee went along with the minor children and this time she left them in the custody of the petitioner, who is the mother. Thus, we do not find any illegal detention on a prima facie consideration.

3. In such view of the matter, this Habeas Corpus Petition stands closed. However, the respondent/police shall proceed with the investigation. As and when the detainee is secured, she should be produced before the jurisdictional Magistrate.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram.
- 2.The Inspector of Police,
H-2 Guduvancheri Police Station,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.P.Arun Kumar, Advocate Sr.No. 81672

AKM/17.10.19/2P-5C /

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