

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

Coram

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

H.C.P. No.2028 of 2019

Stella

... Petitioner

-vs-

1.The Commissioner of Police,
Chennai City, Chennai.

2.The Inspector of Police,
Koyambedu Police Station,
Chennai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the body of the petitioner's minor daughter namely Preethiba, aged 17 years, before this Court and hand over her custody to the petitioner forthwith.

For Petitioner : Mr.J.Titus Enock

For Respondents : Mr.R.Prathap Kumar
: Addl.Public Prosecutor

ORDER

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

Seeking a direction to the respondents to produce the body of the petitioner's minor daughter namely Preethiba, aged 17 years, before this Court and hand over her custody to the petitioner forthwith, the present habeas corpus petition has been filed.

2.Petitioner is the mother of the detainee and she seeks custody of her minor daughter. Considering the fact that the detainee is missing, being a minor, we called for a report. Accordingly, report has been filed. The report would suggest that this is the second habeas corpus petition filed after the earlier one (H.C.P.No.145 of 2019) was dismissed for want of prosecution. It further indicates that the petitioner and other family members are not co-operating.

3.Learned Additional Public Prosecutor submitted that there appears to be some problem from the side of the petitioner and her mother. The detinue has gone astray with the connivance of the family members.

4.We have perused the status report in detail. The statements made by the witnesses are very damnifying. The status report merely indicates the surrounding circumstance available.

5.In such view of the matter, we are not inclined to keep this habeas corpus petition pending any longer and the same stands closed. The respondents are directed to take appropriate steps to trace the detinue and as and when she is secured, the respondents will have to produce her before the jurisdictional Magistrate. The learned Magistrate will have to verify from the detinue regarding her whereabouts and her mental condition. The learned Magistrate shall also consider the need for sending the detinue to Home. It is open to the learned Magistrate to have the assistance of the legal aid authority in this regard.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Chennai City, Chennai.

2.The Inspector of Police,
Koyambedu Police Station,
Chennai District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.J.Titus Enock, Advocate Sr.No. 87089

AKM/21.11.19/2P-5C /

H.C.P. No. 2028 of 2019