

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

Coram

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

H.C.P. No. 2424 of 2019

L.Manjula ... Petitioner

-vs-

1.The Superintendent of Police,
O/o Superintendent of Police,
Thiruvvarur.

2.The Inspector of Police,
Peralam Police Station,
Thiruvvarur District.

3.S.Sivakumar ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents herein to produce the body of petitioner's daughter, namely, Arthi, aged 16 years, who is in the illegal custody of the third respondent and hand over to the petitioner.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

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

The petitioner, who is the mother of the detainee, seeking her presence from the custody of the third respondent, has filed the present Habeas Corpus Petition

2.The learned Additional Public Prosecutor, on instructions, submitted that this is the second time elopement. Earlier, the detainee was secured. Pursuant to the Habeas Corpus Petition filed by the petitioner in H.C.P.No. 350 of 2019, the case was altered by including the offence punishable under POCSO Act in

Spl.S.C.No. 18/2019. Thereafter, once again, the detainee eloped with the third respondent. Further, a case has been registered in Cr.No. 522 of 2019 for the offence punishable under Section 366A IPC. The cancellation of bail application has also been filed. The Court has initiated surety action also apart from issuing non-bailable warrant. The trial is at the stage of examination of the Investigating Officer.

3. In view of the above, we are not inclined to keep this petition pending any longer as the jurisdictional Court has also seized of the matter. Needless to state that once the third respondent is secured pursuant to the orders of the Court there will not be any difficulty in securing the detainee also.

4. Accordingly, the Habeas Corpus Petition stands closed. However, we direct the second respondent to expedite the investigation and the first respondent is also directed to monitor and supervise the investigation including securing of the detainee. As and when the detainee is secured, she should be produced before the jurisdictional Magistrate.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Superintendent of Police,
O/o Superintendent of Police,
Thiruvarur.

2.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Muthamizhselvakumar , Advocate SR.No. 97393

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A.SK(06/01/2020)

20.11.2019



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