

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.2465 of 2018

K.Nallammal
W/o.Late Karuppaiya ... Petitioner

Vs

1.The State represented by
The Inspector of Police,
Thuraipakkam Police Station,
Thuraipakkam,
Chennai.
Crime No.1603/2018

2.K.Selvamani
S/o.Karuppaiya ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the first respondent herein to produce the body of the petitioner's daughter namely K.Kalaimani (female aged about 17 years) before this Court and hand over to the petitioner.

For Petitioner : Mr.N.Elumalai

For Respondents: Mr.C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detainee namely K.Kalaimani, who was aged 17 years (15.01.2001) and according to her, she is her elder daughter and she has also completed her higher education in the year 2018. The husband of the petitioner died on 20.09.2018 and she is taking care of the family consisting of the detainee and two other daughters. It is the specific case of the petitioner that on an earlier occasion when the second respondent tried to molest the detainee,

petitioner's sister informed to All Women Police Station, Thirumaiyam and subsequently, on 03.10.2018, petitioner lodged a complaint alleging that her daughter went out on 03.10.2018 and she did not return and she suspects that she would have went with the second respondent.

2.The learned counsel for the petitioner would submit that the petitioner, being the mother, is more concerned about the welfare and well-being of her daughter, who was aged 17 years and since no effective steps have been taken by police despite registration of First Information Report in Crime No.1603 of 2018, the petitioner is constrained to approach this Court by filing this Habeas Corpus Petition.

3. Per contra, learned Additional Public Prosecutor appearing for first respondent would submit that the detainee had eloped thrice with the second respondent and every time she was traced and handed over to the petitioner and once again, she went with the second respondent and based on the complaint of the petitioner, the above cited case was registered and all efforts have been taken to trace the detainee and as and when she is traced, she will be produced before the jurisdictional Magistrate for passing appropriate orders.

4. This Court has carefully considered the rival submissions and perused the materials placed before it.

5. Now the detainee has attained the age of major and from the submissions of learned Additional Public Prosecutor, it appears that the detainee eloped with the second respondent thrice and on every occasion, she was traced and handed over to the petitioner. Despite that, the detainee appears to have been eloped with the second respondent again.

6. In the light of the above facts and circumstances, the first respondent is directed to conduct a fair, proper and impartial investigation in respect of the case in Crime No.1603 of 2018 and take all out efforts to trace the detainee/daughter of the petitioner and as and when the detainee is traced, she shall be produced before learned Judicial Magistrate, Alandur, for passing appropriate orders as to her custody.

The Habeas Corpus Petition is closed with the above observation.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate,
Judicial Magistrate Court,
Alandur.

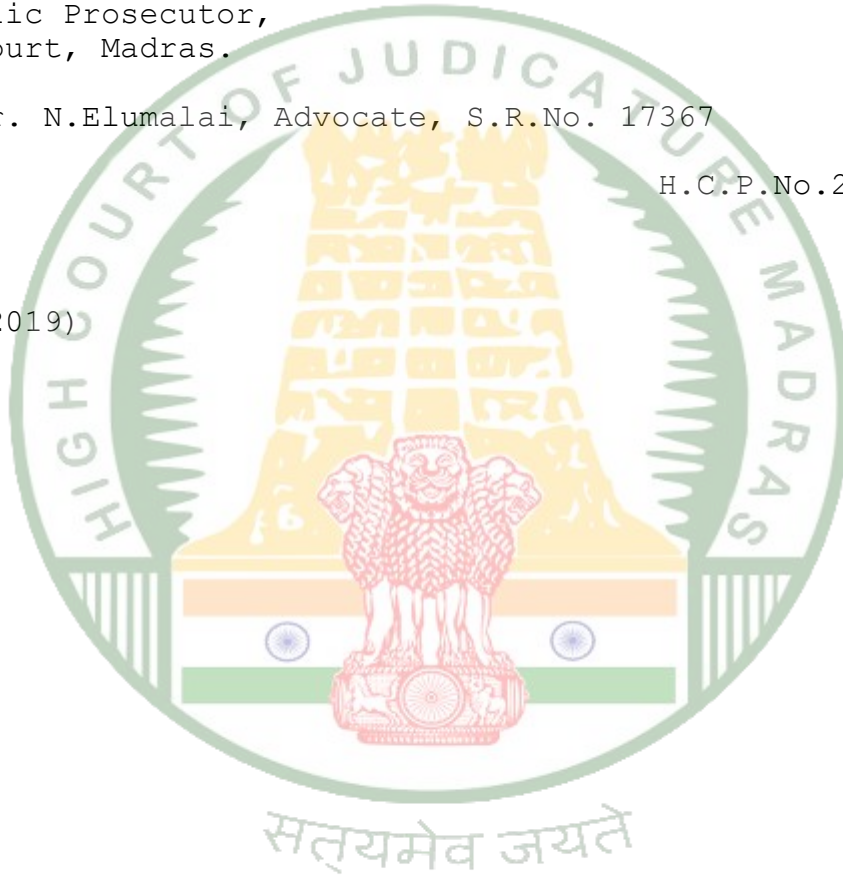
2.The Inspector of Police,
Thuraipakkam Police Station,
Thuraipakkam,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. N.Elumalai, Advocate, S.R.No. 17367

H.C.P.No.2465 of 2018

RSV(CO)
GN(25/03/2019)



WEB COPY