

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2019

Coram

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

H.C.P. No. 2710 of 2018

Tharthish

... Petitioner

-vs-

1. The State Rep.by
Sub Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

2.Manikandan

3.Singaram

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent to produce the body of the petitioner's daughter Desingurani aged about 33 years before this Court and set her at liberty.

For Petitioner : Ms.Selvi George

For Respondent : Mr.R.Prathap Kumar
Addl. Public Prosecutor for R1

ORDER

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

The petitioner is the aged father of the detenue. The detenue is the wife of the second respondent. She was found to be missing from 02.11.2017 onwards. A case has been registered on 15.10.2018 for the woman missing in Cr.No. 592 of 2018. As the detenue could not be secured even thereafter, the present habeas corpus petition has been filed.

2. The learned counsel appearing for the petitioner submitted that it is strange that respondents 2 and 3 have not reported the missing of daughter of the petitioner. There is also a minor child aged three years. Therefore, it is not possible for the detenue to leave the matrimonial home on her own.

3.The learned Additional Public Prosecutor submitted that pursuant to the order passed by this Court, respondents 2 and 3 were present and the Court was satisfied that they did not have any role in the missing of the detainee.

4. We may note that the detainee is missing from 02.11.2017 from the matrimonial home. There is also a minor child. The respondents 2 and 3 have not given any complaint. The detainee is yet to be secured.

5. In such view of the matter, we direct the Superintendent of Police, Namakkal, Namakkal District to transfer the investigation from the file of the first respondent to the District Crime Branch, Namakkal, Namakkal District and the District Crime Branch, Namakkal shall continue the investigation.

6. With the above said observation, the Habeas Corpus Petition stands disposed of.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

mmi/ssm

To

1.The Sub Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

2.The Superintendent
District Crime Branch
Namakkal

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mrs. Selvi George, Advocate sr 87628

H.C.P. No. 2710 of 2018

MR (CO)
SP (27/11/2019)