



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 03.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 148 OF 2019

Usha

... Petitioner

- Vs -

1. The Superintendent of Police
Pudukottai District.

2. The Inspector of Police
Aranthangi Police Station
Aranthangi Taluk, Pudukottai Dt.

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the detainee Siva Bharathi, D/o Sivagnanam, aged 19 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.N.Balakrishnan
For Respondents : Mr.K.Dinesh Babu,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

This habeas corpus petition has been preferred by the petitioner for direction to the respondents to produce the detainee, Siva Bharathi, D/o Sivagnanam, aged 19 years, before this Court and set her at liberty.

2. By consent, this habeas corpus petition itself is taken up and disposed of by this order.

3. The petitioner is the mother of the detainee, viz., Siva Bharathi, aged about 19 years (DOB - 6.2.2000), who alleges that the detainee is studying second year engineering course and that on 28.11.18, she left the house stating that she is going to State Bank of India, Arasarkulam Branch, but did not return. The petitioner made all out efforts to trace the detainee and since the said exercise proved futile, she lodged a complaint on the file of the 2nd respondent, based on which a case in Crime No.487/18 has been registered on 28.11.18 (Woman Missing).



4. Learned counsel appearing for the petitioner submits that the FIR came to be lodged as early as on 28.11.18, however, no sincere efforts have been taken by the 2nd respondent to trace the detinue, who is just aged about 19 years and the petitioner, being the mother of the detinue, is very much concerned about the safety, well-being and whereabouts of her daughter and, therefore, left with no alternative, she is constrained to approach this Court by filing the present habeas corpus petition.

5. Per contra, learned Addl. Public Prosecutor, appearing for the respondents has drawn the attention of this Court to the status report dated 'NIL', of March, 2019 and submits that all out efforts have been made and that sincere investigation is being carried out to trace the detinue. It is further submitted that on 15.12.18, Head Constable No.820, viz., Paulraj, received a telephonic call from the missing girl/detinue from a public call centre and he was informed that the since the detinue was compelled to get married, on her own volition, the detinue left her parental home and that she will return to her parental home some time later.

6. In the light of the report filed by the 2nd respondent coupled with the fact that the detinue is a major girl, this Court directs the respondents to conduct speedy investigation with regard to the case in Crime No.487/2018, registered by them, in accordance with law and also take all out efforts to trace the detinue and as and when the detinue is traced, she shall be produced before the Court of Judicial Magistrate, Aranthangi, for passing appropriate orders as to her custody. The respondents shall also inform the petitioner as to the progress of the investigation made to trace the detinue. The Deputy Superintendent of Police, Aranthangi Circle, Pudukottai District, is also directed to monitor the investigation conducted by the respondent.

7. This habeas corpus petition is disposed of with the aforesaid observations and directions. Registry is directed to mark a copy of this order to the Deputy Superintendent of Police, Aranthangi Circle, Pudukottai District and also to the Superintendent of Police, Pudukottai District for necessary follow up action.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police
Pudukottai District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Deputy Superintendent of Police
Aranthangi Circle, Pudukottai District.



3. The Inspector of Police
Aranthangi Police Station
Aranthangi Taluk, Pudukottai Dt.

4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

**+1 CC to Mr.N.BALAKRISHNAN, Advocate (SR-66703[F] dated
03/06/2019)**

**H.C.P. (MD) NO. 148 OF 2019
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