

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.06.2019****CORAM:****THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN****AND****THE HONOURABLE MR. JUSTICE B. PUGALENDHI****H.C.P. (MD) No. 469 of 2019**

A. Ramalingam

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur District.2. The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.

3. Manikandan

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the second respondent to produce the body or person of the petitioner's daughter, namely Keerthiga, D/o. Ramalingam, aged about 20 years before this Court and set her at liberty.

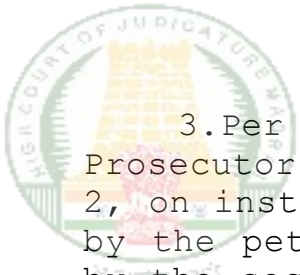
For Petitioner : Mr. C. Susi Kumar
For RR 1 & 2 : Mr. K. Dinesh Babu,
Additional Public Prosecutor.

ORDER

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

The petitioner is the father of the detenu, namely, Keerthiga, aged about 20 years and she was given in marriage during April, 2018 to one Kumar. It appears that she did not like the marriage and even prior to the marriage, he had an intimacy with one Manikandan.

2. The learned counsel appearing for the petitioner would submit that the detenu, being married, is missing and he being the father as well as her husband are being anxiety as to her whereabouts and well-being, and since no serious efforts have been taken by the respondent Police, the petitioner has constrained to approach this Court by filing the Habeas Corpus Petition.



3. Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 and 2, on instructions, would submit that based on the complaint given by the petitioner, a case in Crime No.124 of 2019 was registered by the second respondent Police on 06.06.2019 for 'woman missing' and investigation is on. It is also the submission of the learned Additional Public Prosecutor that it is a case of elopement, may be for the reason that the detenu is in love with somebody and contrary to her wishes her marriage has been solemnized and assures that proper investigation will be done, to trace out the detenu.

4. This Court has considered the rival submissions and perused the materials available on record.

5. Admittedly, the detenu is a major and a married woman and it also *prima facie* appears that she did not like the marriage and she had an affair with one Manikandan even prior to the marriage. The second respondent has also registered a case, based on the complaint given by the petitioner in Crime No.124 of 2019.

6. In the light of the above facts and circumstances, this Court directs the second respondent to conduct the investigation in Crime No.124 of 2019 in a fair and transparent manner and in accordance with law and as and when the detenu is traced out, she shall be produced before the Court of Jurisdictional Magistrate, for passing appropriate orders as to her custody. The Deputy Superintendent of Police, Thiruvudaimaruthur, Thanjavur District is also directed to monitor the investigation and progress of the same also be informed to the petitioner.

7. The Habeas Corpus Petition is disposed of with the aforesaid observations and directions.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Deputy Superintendent of Police,
Thiruvudaimaruthur,
Thanjavur District.

<https://hcservicescourtsupernicetia/>
2. The Superintendent of Police,
Thanjavur District.



3.The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

ps

Order made in
H.C.P. (MD) No.469 of 2019
07.06.2019

KM/ (27.06.2019) 3P 5C