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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P (MD) No. 420 of 2019

V. Krishnapandi

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
Town West Police Station,
Dindigul Town,
Dindigul District.

3. Dhanasekar

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the Respondents No. 1 and 2 to produce the body or person of the Detenues the Petitioner's Daughters namely Preethika, D/o. V. Krishnapandi, aged 27 years before this Hon'ble Court and set her at liberty.

For Petitioner

: Mr. S. Saravagan Prabhu

For Respondents 1 & 2

: Mr. K. Dinesh Babu
Additional Public Prosecutor

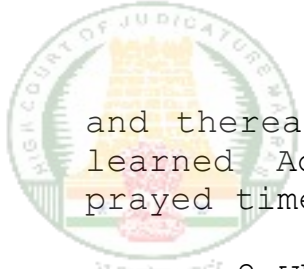
For 3rd Respondent

: Mr. J. Lawrence

O R D E R

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

The petitioner is the father of the major detainee, aged about 27 years and according to him, she has completed B.Com., A.C.S. and is employed in H.D.F.C. Bank at Dindigul and she developed intimacy with one Sekar and steps are also being taken to give her in marriage to the said Sekar. The daughter of the petitioner under the pretext of attending a meeting at Dharapuram went and till night she did not return and when searched her vehicle was found alone at 80 feet R.M. Colony Road, near Perumal Tea Stall and her cellphone was switched off. The petitioner being the father of the detainee is very much concerned with the safety, wellbeing and whereabouts of her daughter and hence, he has filed this Habeas Corpus Petition and it was entertained on 22.05.2019



and thereafter, it was listed on 06.06.2019 and on that day, the learned Additional Public Prosecutor appearing for the State prayed time for filing status report.

2. When the matter is taken up for hearing today, a status report has been filed by the second respondent and it would disclose that all serious steps are being taken to trace the detainee.

3. The learned counsel appearing for the petitioner would submit that the detainee is well educated and she is under the illegal custody of the third respondent and therefore, prays for appropriate orders. However, the learned counsel for the third respondent disputed the same and submitted that the third respondent has nothing to do with the detainee and he is a friend of Sekar and he has been summoned very many times by the second respondent and he has fully cooperated with the second respondent.

4. Mr. K. Dinesh Babu, learned Additional Public Prosecutor appearing for the State on instruction would submit that the said Sekar, with whom the detainee is said to have relationship, has been enquired and he also do not know about the whereabouts of the detainee. He further stated that she is living away on her own volition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Admittedly, the detainee is well educated and she is also a major and a perusal of the status report and the submissions made by the learned counsel for the parties would prima-facie disclose that she is not under the illegal detention at the hands of the third respondent. However, the second respondent is directed to continue with the investigation in a fair and impartial manner in respect of the case in Crime No.88 of 2019 and file the final report as expeditiously as possible. In the meanwhile, if the detainee is traced, she shall be produced before the learned Judicial Magistrate No.I, Dindigul after intimation to the petitioner. The Deputy Superintendent of Police, Dindigul Town shall monitor the investigation conducted by the second respondent and periodically the petitioner shall be informed about the progress made in the investigation.

7. The Habeas Corpus Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (AD)

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To சீர்திருவிழை

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- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Town West Police Station,
Dindigul Town,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. S.SARVAGAN PRABHU, Advocate, Sr.No.68240

+1cc to M/S. J.LAWRANCE, Advocate, Sr.No.68354

H.C.P (MD) No.420 of 2019
12.06.2019

BUC (27/06/2019) 3P/6C