

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.06.2019****CORAM:****THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN****AND****THE HONOURABLE MR. JUSTICE B. PUGALENDHI****H.C.P. (MD) No. 464 of 2019**

Santhanamari

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Sattur,
Virudhunagar District.

3. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

4. Muthumariappan

5. Pandi Kumar

... 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, directing the respondents 1 to 3 herein to produce the body or person of the detenu namely Krishnaveni, D/o. Thangavel aged about 23 years before this Court and set her at liberty from the illegal custody.

For Petitioner	: Mr. M. Jothibas
For RR 1 to 3	: Mr. K. Dinesh Babu, Additional Public Prosecutor.

ORDER

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

The petitioner is the mother of the detenu, namely, Krishnaveni, aged about 23 years and she is employed as Teacher in the services of Kalaivani Matriculation School, Thiruvankadam.

2. The petitioner would state that at about 09.00 a.m., on 24.05.2019, her daughter went to School and she did not return on the evening hours and she contacted the petitioner from her mobile phone and she stated that she is in love with somebody and therefore, she is going on her own. The petitioner, apprehending



well-being, safety and whereabouts of her daughter, lodged a complaint on the file of the third respondent and based on the said complaint, a case in Crime No.223 of 2019 has been registered for 'woman missing'.

WEB COPY

3.The learned counsel appearing for the petitioner would submit that it is not as if the daughter of the petitioner is not missing on account of a love affair and since no proper investigation is being done by the third respondent, the petitioner has constrained to approach this Court by way of filing this Habeas Corpus Petition.

4.Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 to 3, would state that the detenu herself would address a letter to the third respondent stating that she is in love with one Pandi Kumar and on 24.05.2019, they got married in a Temple at Papanasam and also prays for appropriate protection for the reason that her husband belonged to lower caste and her father is also employed in police. The photograph of the detenu signing in some Register is also produced before this Court.

5.The learned counsel appearing for the petitioner, after going through the contents of the said letter of the detenu as well as the photograph, would pray for passing appropriate orders.

6.This Court has considered the rival submissions and the letter and the photograph placed before this Court are taken on record.

7.In the light of the above facts and circumstances, this Court is of the considered view that this Habeas Corpus Petition is not maintainable. However, the third respondent shall take appropriate steps to investigate the case and in accordance with law and as and when the detenu is traced out, she shall be produced before the Court of Judicial Magistrate No.II, Sattur, for passing appropriate orders as to her custody.

8.The Habeas Corpus Petition is dismissed subject to the aforesaid observations.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Judicial Magistrate No.II
Sattur,
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Deputy Superintendent of Police,
Sattur, Virudhunagar District.
4. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.

+1cc to M/S. G.M.LAW OFFICE, Sr.No.67144

Order made in
H.C.P. (MD) No.464 of 2019
06.06.2019

BUC (28/06/2019) 3P/7C