

**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. 471 of 2019**

Ayyammal

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Othakkadai Police Station,
Madurai District.

3. Kannan

... 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 respondents 1 and 2 to produce the body or person of the detenu, by name Dhanalakshmi daughter of the petitioner now aged about 21 years, who have been illegally detained by the third respondent before this Court and set her at liberty.

For Petitioner : Mr. A. Rajini

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 mother of the detenu, namely, Dhanalakshmi, aged about 21 years and she is her third daughter and she was given in marriage to her brother, namely Pandi, about 2 years back and the person with whom the detenu got married is also visually challenged.

2. It is the specific case of the petitioner that her daughter/detenu is found missing from 29.05.2019 and she lodged a complaint on the file of the second respondent and based upon the said complaint, a case in Crime No. 205 of 2019 was registered on 30.05.2019. The petitioner alleging inaction on the part of the second respondent in tracing out the detenu, came forward to file the Habeas Corpus Petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and also Mr. K. Dinesh Babu, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 and 2, on instructions, would submit that the daughter of the petitioner



has eloped with the third respondent and all-out efforts are being taken to trace out the detenu.

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

5.In the light of the fact that the detenu is a major and also married, it *prima facie* appears that she did not like the marriage and eloped with the third respondent, the second respondent is directed to carry out with proper and quality investigation and take all-out efforts to trace out both the detenu and the third respondent and as and when they are traced out, they shall be produced before the Court of Judicial Magistrate, Melur, for passing appropriate orders as to their custody. The jurisdictional Deputy Superintendent of Police, Oomachikulam, Madurai District, is also directed to monitor the investigation and progress of the same also be informed to the petitioner.

6.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,
Oomachikulam,
Madurai District.

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.

3.The Inspector of Police,
Othakkadai Police Station,
Madurai District.

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

+1cc to Mr.A.RAJINI, Advocate, SR.No.67453

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07.06.2019