



WEB COPY

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.479 of 2019

R.Subramanian Bhattar

... Petitioner

Vs.

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

2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

3.Inbaneson

... 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 1 and 2 herein to produce the body and person of Sivaranjani, aged 18 years, Daughter of Subramanian Battar from the illegal custody of the 3rd respondent herein before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

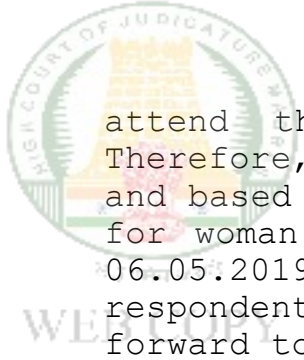
For Respondents 1 & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For 3rd Respondent : Mr.A.John Vincent
Assisted by Mr.J.Vijayaraja
and Ms.Prabavathy

O R D E R

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

The petitioner is the father of the detinue, aged about 18 years and she is studying second year D.E.C.E. in Michael College, Kalayarkovil. The petitioner would further aver that at about 11.00 a.m. on 28.04.2019, her daughter proceeded under the pretext of going to college, but she did not return and when he enquired about her daughter in the College, they stated that her daughter did not



attend the college. In spite of search, she was not found. Therefore, he lodged a complaint to the second respondent police and based on the same a case in Crime No.140 of 2019 was registered for woman missing. Despite registration of F.I.R. as early as on 06.05.2019, proper effort has not been taken by the second respondent to trace the petitioner's daughter. Therefore, he came forward to file this Habeas Corpus Petition.

2.It is the submission of the learned Senior Counsel for the petitioner that some videos alleged to have depicted the compromise position of the detainee has been taken and by using the same detainee is being threatened and therefore, prays for appropriate orders

3.Mr.K.Dinesh Babu, learned Additional Public Prosecutor, appearing for the State would submit that the detainee has been traced and produced and also assured that the investigation of the case will be proceeded in accordance with law and a fair and impartial investigation will be done and the investigation will be monitored by the Superintendent of Police, Sivagangai District, considering the sensitivity of the case.

4.Mr.A.John Vincent, learned counsel for the detainee, assisted by Mr.J.Vijayaraja, learned counsel and Ms.Prabavathy, learned counsel and a Member of Ramanathapuram District Bar, would submit that the detainee on her own volition left the parental home and therefore, she cannot stated to be in the illegal custody and detention at the hands of the private respondent.

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

6.The detainee, who is present is also enquired and she would state that at present she is residing with one Mangalam, who is a close relative of the third respondent at Door No.10, Kamaraj Road, Karunkulam, Paramakudi Taluk, Paramakudi District and as on date she is not married to the third respondent and she is interested in pursuing her studies and she would further add that she was admitted by her parents in the college in Management Quota.

7.The detainee is a major and it prima-facie appears that she left the parents on her own volition. It is also the vehement and forceful submission of the learned Senior Counsel for the petitioner that the detainee was threatened or rather coerced by the third respondent by showing some video clips as to the compromising position of the detainee. However, this Court is not going into that aspect for the reason that it is for the second respondent to investigate with regard to said aspect also.



8. In the result, this Habeas Corpus Petition is disposed of and the detinue is at liberty to take a call on her future and wellbeing. The second respondent is directed to conduct a fair and impartial investigation and the progress made shall be informed to the petitioner periodically and the investigation of the case shall be monitored by the first respondent.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.VEERA ASSO., Advocate Sr. No. 68396

H.C.P(MD) No.479 of 2019
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MT(CO)

TR (03.07.2019) 3P 5C