



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and**

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.560 of 2019

P.Ganapathy

... Petitioner

Vs.

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Checkkanoornai Police Station,
Madurai District.
- 3.Virumandi

... 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 to produce the person or body of detainee namely G.Aparna D/o.Ganapathy, aged about 18 years from the illegal custody of the third Respondent and produce before this Hon'ble Court and set her at liberty.

For Petitioner

: Mr.P.Thambidurai

For Respondents 1 & 2

: Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The petitioner is the father of the detainee viz., G.Aparna, aged about 18 years (Date of Birth : 16.06.2001) and she is studying B.Sc., Zoology in Jeyaraj Annapackiam College, Periyakulam and alleging her illegal custody and detention at the hands of the 3rd respondent, he came forward to file this Habeas Corpus Petition.

2.Mr.P.Thambidurai, learned counsel appearing for the petitioner would submit that attracted by the sweet words of the third respondent, petitioner's daughter went away with the third respondent without realizing the consequences. Though an F.I.R. was registered by the second respondent police in Crime No.227 of 2019 for the commission of offence under Section 366 I.P.C., no progress has been shown. Therefore, the petitioner is constrained

to approach this Court by filing this 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 the daughter of the petitioner as well as the third respondent got married and their marriage was also got registered and they appeared before the All Women Police Station, Tanjore and stating the said facts, they have also filed CrI.O.P.(MD) No.8952 of 2019 on the file of this Court praying for providing police protection and the same is pending.

4.In the light of the said development, it cannot be stated that the daughter of the petitioner is under the illegal custody of the third respondent. However, taking into account the anxiety exhibited by the petitioner, being the father of the detainee, this Court directs the second respondent to conduct fair and impartial investigation in Crime No.227 of 2019 and file a final report as expeditiously as possible before the jurisdictional Court and in the interregnum, if the detainee is traced, she shall be produced before the Court of jurisdictional Judicial Magistrate for passing appropriate orders as to the custody of the detainee and before doing so, the petitioner shall be put on notice.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

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

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

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

+1CC TO M/S.P.THAMBI DURAI , ADVOCATE, SR. NO.71874

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