



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 05.07.2019

CORAM

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

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

H.C.P. (MD) NO. 597 OF 2019

Vijayalakshmi

.. Petitioner

- Vs -

1. The Superintendent of Police
Kanyakumari District.

2. The Inspector of Police
Eraniel Police Station
Kanyakumari District.

3. Arun

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents 1 and 2 to secure the body or person of the detainee, viz., R.Nantha, D/o Rajarathinam, aged about 25 years, before this Hon'ble Court and set her at liberty.

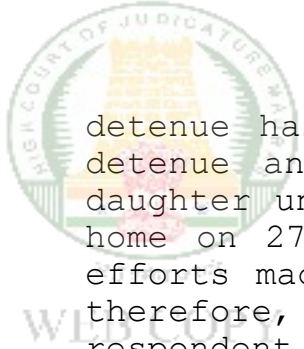
For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.K.Dinesh Babu,
APP for RR-1 & 2

ORDER

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

The petitioner is the mother of the detainee, viz., Nantha, aged about 25 years and according to her the



detenue has studied B.S.c (Nursing) and that marriage between the detenue and one Rajadurai is to be solemnized on 8.7.19 and her daughter under the pretext of some reason, went out of the parental home on 27.6.19 and, thereafter, she is found missing and despite efforts made to trace her whereabouts, she could not be found and, therefore, a complaint was also lodged on the file of the 2nd respondent. The 2nd respondent, upon receipt of the complaint, though registered a case in Crime No.314/19 on 28.6.19 for 'woman missing' since, there is no worthwhile response, the petitioner is constrained to file this petition.

2. Learned counsel appearing for the petitioner submits that marriage between the detenue and one Rajadurai is to be solemnized on 8.7.19 and despite the said urgency, the 2nd respondent is not evincing any interest towards tracing the daughter of the petitioner and in the event of the marriage not being held, the parents of the detenue have to face social stigma and also face other consequences and, hence, prays for appropriate orders.

3. Mr. Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice on behalf of the 2nd respondent, on instructions, submit that the detenue did not like the marriage arrangements and she eloped with the 3rd respondent and that investigation is on with regard to the registration of the said case.

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

5. Admittedly, the detenue is a major and is an educated girl and it prima facie appears that on her own volition she left her parental home and went with the 3rd respondent and in this regard, the 2nd respondent has also registered a case in crime No.314/19 for 'woman missing'. This Court, taking into consideration the anxiety exhibited by the petitioner, who is the mother of the detenue, directs the 2nd respondent to conduct fair, impartial and speedy investigation in respect of the case in Crime No.314/19 registered by them and as and when the detenue and the 3rd respondent are traced, they shall be produced before the Judicial Magistrate, Eraniel, for passing appropriate orders as to their custody. The 2nd respondent shall also periodically inform the progress of the investigation to the petitioner.

6. The Deputy Superintendent of Police, Kolachal, is also directed to monitor the investigation done by the 2nd respondent and give necessary inputs and directions to the 2nd respondent in the conduct of effective investigation.



7. This habeas corpus petition is disposed of accordingly. Registry is directed to mark a copy of this order to the Deputy Superintendent of Police, Kolachal, Kanyakumari District.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Superintendent of Police
Kanyakumari District.
2. The Deputy Superintendent of Police
Kolachal, Kanyakumari District.
3. The Inspector of Police
Eraniel Police Station
Kanyakumari District.
4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1cc to Mr.S.M.Mohan Gandhi, Advocate in SR.73786

H.C.P. (MD) NO. 597 OF 2019
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PBK (19.07.2019) 3P : 6C