



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P.(MD)No.543 of 2019

WEB COPY

Bose

: Petitioner

Vs.

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

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

3.The Sub Inspector of Police,
Melavalavu Police Station,
Madurai District.

4.Ponnuchamy

: Respondents

PRAYER: 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 to 3 to secure the petitioner's daughter Pandijothi aged about 25 years and petitioner's granddaughter Boomika aged about 2 years and to produce the detainee's body or person before this Court and set them at liberty.

For Petitioner

: Mr.N.Mariappan

For Respondents

: Mr.K.Dinesh Babu for R1 to R3

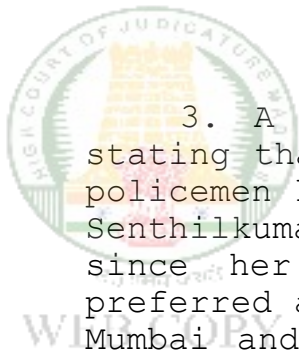
Additional Public Prosecutor

ORDER

(Order of the Court was made by T.RAJA., J)

The petitioner, who is the father of the detainee Pandijothi, aged about 25 years, has come to this Court to direct the respondent police to secure the detainee along with her daughter, aged about 2 years before this Court.

2. Learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner, being the father of the detainee, cannot maintain the writ petition, when the detainee's husband has not come forward. He has also stated that on the basis of the allegation made by the petitioner that the detainee has eloped with the fourth respondent sister's husband one Senthilkumar, pursuant to his complaint, a case has been registered in Crime No.126/2019 for woman and girl missing on the file of the 2nd respondent police.



3. A status report has been filed by the respondent police stating that in search of the detainee and the minor girl, a team of policemen had gone to Mumbai on 18.11.2019 and enquired the wife of Senthilkumar. The wife of said Senthilkumar has also stated that since her husband's whereabouts also were not known, she has preferred a complaint on 25.06.2019 to the Capracate Police Station, Mumbai and the same is pending in C.S.R.No.872/2019. The status report further reads that the respondent police are taking earnest efforts to secure the detainee and Senthilkumar and the respondent police sought considerable time to secure them.

4. However, it is difficult for this Court to entertain the prayer, since the husband of the detainee has not chosen to move any application before us. It is also seen that the whereabouts of the detainee as well as Senthilkumar could not be found. Accordingly, we direct the second respondent to proceed with the matter and intimate the petitioner about the progress made in the investigation from time to time.

5. With the above direction, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (W)

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/ /2020

Sub Assistant Registrar(CS)

RR

To

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Melur Police Station, Madurai District.
- 3.The Sub Inspector of Police,
Melavalavu Police Station, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in

H.C.P. (MD)No.543 of 2019

Dated: 20.12.2019

SMA/23/01/2020/2P/5C