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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.638 of 2019

Shanmugalakshmi ... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.

2.The Additional Director General of Police,
CBCID,
Office of the Additional Director General of Police,
Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

4.The Inspector of Police,
Sankaralingapuram Police Station,
Thoothukudi District.

5.The Inspector of Police,
Panthalkudi Police Station,
Virudhunagar District. ... 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 to produce the body and person of the detenu by name Krishnaveni, daughter of Ramamoorthy, aged 25 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents 4 & 5 : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

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The petitioner is the mother of the detenue viz., Krishnaveni, who is a BBA graduate and she was employed as Office

Assistant in Sangaralingapuram Panchayat. It is claimed that marriage arrangements have also been made for her marriage and she is found missing from 12.01.2019 and the complaint lodged by her was registered in Crime No.4 of 2019 for woman missing. Alleging that no serious efforts are taken to investigate and trace out the detenue, the petitioner came forward to file this Habeas Corpus Petition.

2.Mr.R.Dinesh Babu, learned Additional Public Prosecutor accepts notice on behalf of the respondents 4 and 5 and on instructions would submit that the fifth respondent has registered a case in Crime No.73 of 2019 under Section 174 Cr.P.C. since a charred body was found and it was identified that it was the detenue.

3.It is submitted by the learned counsel appearing for the petitioner that a representation dated 11.07.2019, was made for transfer of investigation.

4.In the light of the above, the detenue is not under the illegal custody of the third respondent for the reason, even according to the petitioner, the detenue is no more. The learned counsel for the petitioner would submit that the fifth respondent is not properly conducting the investigation and hence, prays for transfer of investigation. However, this Court is of the considered view that the said relief cannot be granted in this Habeas Corpus Petition.

5.Therefore, the Habeas Corpus Petition is dismissed and the petitioner is granted liberty to workout his further remedies before the competent forum.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.

2.The Additional Director General of Police,
CBCID,
Office of the Additional Director General of Police,
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3.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

4.The Inspector of Police,
Sankaralingapuram Police Station,
Thoothukudi District.

5.The Inspector of Police,
Panthalkudi Police Station,
Virudhunagar District.

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-75327[F] dated 15/07/2019)

sj

H.C.P(MD)No.638 of 2019
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