



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 16.07.2019

CORAM

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 639 OF 2019

Maria Gunaseeli

... Petitioner

- Vs -

1. The Superintendent of Police
Ramanathapuram District
Ramanathapuram.

2. The Inspector of Police
Thangachimadam Police Station
Thangachimadam
Ramanathapuram District.

3. Livingston

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents to secure and produce the body or person of my daughter, viz., Swathi, D/o Palrayan, aged about 20 years, before this Hon'ble Court and set her at liberty.

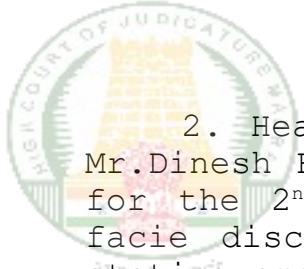
For Petitioner : Mr. T.Veerakumar

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the mother of the detainee, viz., Swathi, aged about 20 years (DOB - 3.11.98) and according to her, her daughter/detainee had done her graduation at Lady Doak College, Madurai, and during the course of study, the 3rd respondent had created a problem as if he was in love with the detainee. It is the specific case of the petitioner that her daughter/detainee is missing from 20.6.19 and the complaint given in that regard has led to the registration of a case in Crime No.47/19 for 'Woman Missing' on the file of the 2nd respondent. Since no effective investigation has taken place, the petitioner, very much concerned with the safety, well being and whereabouts of her daughter, has approached this Court by filing this habeas corpus petition.



2. Heard the learned counsel appearing for the petitioner and Mr. Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice for the 2nd respondent and produced the case diary, which prima facie disclose that the detinue has sent a letter dated 21.6.19 stating among other things that on her own volition she has left her parental home for the reason that her parents are aware of her love towards the 3rd respondent and, therefore, compelled her to go for an arranged marriage, which was disliked by her and, therefore, she had left her parental home.

3. In the light of the said fact, it prima facie appears that the detinue, on her own volition had left her parental home and, therefore, it cannot be said that the detinue is in illegal custody/detention at the hands of the 3rd respondent. However, taking into consideration the anxiety exhibited by the petitioner with regard to the safety, well being and whereabouts of her daughter, this Court directs the 2nd respondent to conduct proper and speedy investigation in accordance with law with regard to the case in Crime No.47/2019 registered by the 2nd respondent and as and when the detinue and the 3rd respondent are traced, the 2nd respondent, before producing them before the Judicial Magistrate, Rameswaram, shall inform the petitioner in advance and, thereafter, produce them before the Judicial Magistrate, Rameswaram, for passing appropriate orders as to their custody. The 2nd respondent shall also keep the petitioner informed of the progress in the investigation periodically.

4. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police
Ramanathapuram District
Ramanathapuram.
2. The Inspector of Police
Thangachimadam Police Station
Thangachimadam
Ramanathapuram District.
3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai.



+1 CC to Mr.T.VEERAKUMAR, Advocate (SR-75568[F] dated 16/07/2019)

H.C.P. (MD) NO. 639 OF 2019
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