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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 16.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 640 OF 2019

Karuppayee

.. Petitioner/Mother of the detenue

- Vs -

1. The Superintendent of Police
Madurai District
Madurai.

2. The Inspector of Police
Othakadai Police Station
Madurai District.

3. P.K.Sundara Moorthy

.. Respondents

Prayer: 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 the petitioner's daughter, viz., Umadevi, D/o Saminathan, aged about 36 years, before this Hon'ble Court and set her at liberty.

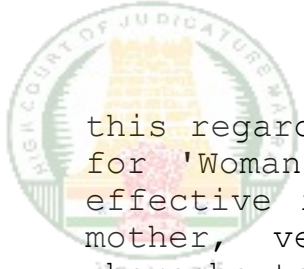
For Petitioner : Mr. G.Solai Raja

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 detenue, viz., Umadevi, aged about 36 years and according to her the detenue was given in marriage to one Murugan about 17 years back and out of the said wedlock three children were also born. The daughter of the petitioner, on account of matrimonial discord, left the matrimonial home and was staying with the petitioner along with her three children and she is missing from 18.6.19 and the complaint given in



this regard has led to the registration of a case in Crime No.245/19 for 'Woman Missing' on the file of the 2nd respondent. Since no effective investigation has taken place, the petitioner, being the mother, 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, on instructions, submit that the whereabouts of the detainee is now known and that she will be produced before the Court of Judicial Magistrate, Melur, for passing appropriate orders.

3. In the light of above facts and circumstances, the 2nd respondent is directed to carry out the investigation in Crime No.245/19 in a fair and effective manner and take all out efforts to trace the detainee and as and when the detainee is traced, she shall be produced before the Judicial Magistrate, Melur, under appropriate intimation to the petitioner. The Judicial Magistrate, Melur, on production of the detainee, shall pass appropriate orders in accordance with law as to her custody. The Deputy Superintendent of Police, Oomachikulam, shall monitor the investigation conducted by the 2nd respondent and give necessary inputs.

4. This habeas corpus petition is disposed of accordingly.
Registry is directed to mark a copy of this order to the Judicial Magistrate, Melur.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Judicial Magistrate, Melur, Madurai

2. The Superintendent of Police
Madurai District, Madurai.

3. The Deputy Superintendent of Police
Oomachikulam, Madurai District.

4. The Inspector of Police
Othakadai Police Station
Madurai District.



5. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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KM/ (25.07.2019) 3P 6C