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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 18.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 652 OF 2019

Masila

.. Petitioner

- Vs -

1. The Superintendent of Police
Office of the Superintendent of Police
Thanjavur District, Thanjavur.

2. The Inspector of Police
Sethubavachathiram Police Station,
Sethubavachathiram
Pattukottai Taluk, Thanjavur Dt.

3. Anburaj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the 1 and 2nd respondents to produce the person or body of the detainee, viz., Priyatharshini, D/o Nadimuthu, aged about 20 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. S.Krishnan

For Respondents : Mr. S.Chandrasekar, 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., Priyatharshini, aged about 20 years and that the detainee has studied upto B.Com., and alleging that the 3rd respondent has forcefully entered the house and took her daughter/detainee along with jewels and cash, lodged a complaint on the file of the 2nd respondent, based on which a case in Crime No.104/2019 was registered on 17.7.2019 for the commission of the offence u/s 363 IPC.



2. Learned counsel appearing for the petitioner submits that the petitioner, being the mother of the detainee, is very much concerned about the safety, well being and whereabouts of her daughter and, therefore, has come forward to file the present petition.

3. Mr.Chandrasekar, learned Addl. Public Prosecutor accepts notice for the 2nd respondent and submits that on the complaint given by the petitioner, a case in Crime No.104/2019 has been registered for the commission of offence u/s 363 IPC and that investigation is on. Learned Addl. Public Prosecutor, on further instructions, submit that it is a case of elopement.

4. This Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to proceed with the investigation of the case in Crime No.104/2019 and take all out efforts to trace the detainee as well as the 3rd respondent and as and when the detainee and the 3rd respondent are traced, they shall be produced before the learned Judicial Magistrate, Pattukottai, for passing appropriate orders as to their custody. The 2nd respondent shall also periodically inform the progress of the investigation to the petitioner.

5. The Deputy Superintendent of Police, Pattukottai, shall also periodically monitor the investigation done by the 2nd respondent and give necessary inputs to the 2nd respondent for carrying out effective investigation.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police
Office of the Superintendent of Police
Thanjavur District, Thanjavur.
2. The Inspector of Police
Sethubavachathiram Police Station,
Sethubavachathiram
Pattukottai Taluk, Thanjavur Dt.



3. The Deputy Superintendent of Police
Pattukottai.

4. The Judicial Magistrate
Pattukottai, Thanjavur District.

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

+1 CC to M/s.S.KRISHNAN, Advocate (SR-76462[F] dated 19/07/2019)

GLN

H.C.P. (MD) NO. 652 OF 2019
18.07.2019

KM/ (25.07.2019) 3P 7C