



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 28.08.2019

CORAM

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

H.C.P. (MD) NO. 861 OF 2019

Ganga Gowri

.. Petitioner

- Vs -

1. State, rep. By
The Superintendent of Police
Thanjavur District.
2. The Inspector of Police
Town East Police Station
Thanjavur Town, Thanjavur Dt.

3. Ponmani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents to produce the person or body of Petitioner daughter, viz., Keerthika, D/o.Selvam, aged about 19 years before this Court and and set her at liberty.

For Petitioner : Mr. B.Jameel Arasu

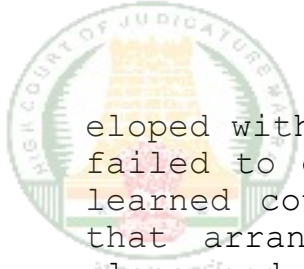
For Respondents : Mr. K.Dinesh Babu, APP for RR-1 & 2

ORDER

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

The petitioner is the mother of the detainee, viz., Keerthika, aged about 19 years (DOB - 11.03.2000) and alleging their illegal custody/detention at the hands of the 3rd respondent, came forward to file this petition.

2. Learned counsel appearing for the petitioner submits that the detainee is studying B.A. (History) at Kunthavai Nachiyar College, Thanjavur, Thanjavur District and on an earlier occasion, she eloped with the 3rd respondent and she was traced at Vellore and, thereafter, her custody was handed over to the petitioner and immediately marriage arrangements were made and she once again



eloped with the 3rd respondent and the complaint given in this regard failed to evoke any response. It is the further submission of the learned counsel for the petitioner that in the light of the fact that arrangements for performing the marriage has already taken place and on account of the missing of her daughter/detenué, the family of the petitioner is put to extreme hardship and also facing social stigma and, therefore, prays for appropriate orders for securing and handing over custody of the detenué to the petitioner.

3. Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice for the 2nd respondent, on instructions submit that the detenué, on an earlier occasion, eloped with the 3rd respondent and she was traced at Vellore and Kaniyambadi Police Station had handed over her custody to the petitioner and within a short span of time, sensing that against her wishes, she is going to be married, had eloped with the 3rd respondent and on the basis of the complaint given by the petitioner, CSR has been registered and FIR will be registered and investigation will proceed on proper lines..

4. This Court has considered the rival submissions and also perused the materials available in the typed set of documents.

5. Admittedly, as on date, the detenué, is a major and it appears to be a case of second time elopement and taking into consideration the anxiety exhibited by the petitioner, being the mother of the detenué, this Court directs the 2nd respondent to register a FIR based on the complaint given by the petitioner and, thereafter, conduct quality and speedy investigation and in the process if the detenué is traced, she shall be produced before the Court of Judicial Magistrate No.1, Thanjavur for passing appropriate orders as to her and before doing so, the 2nd respondent shall inform the petitioner in advance. The 2nd respondent shall also periodically inform the progress being made in the investigation to the petitioner. The Deputy Superintendent of Police, Thanjavur Town, shall also monitor the investigation and give necessary inputs to the 2nd respondent to carry out qualify investigation.

6. This habeas corpus petition is disposed of accordingly. Registry is directed to mark a copy of this order to the Deputy Superintendent of Police, Thanjavur Town, Thanjavur.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Superintendent of Police
Thanjavur District.

2. The Inspector of Police
Town East Police Station
Thanjavur Town, Thanjavur Dt.

3. The Deputy Superintendent of Police
Thanjavur Town, Thanjavur.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-84258[F] dated 29/08/2019

H.C.P. (MD) NO. 861 OF 2019
28.08.2019

GLN

JMN(12.09.2019) 3P : 6C