

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.336 OF 2020

K.Mathiyalagan

... Petitioner

vs

1. The Superintendent of Police,
Nagapattinam,
Nagapattinam District.

2. The Deputy Superintendent of Police,
Sirkazhi,
Nagapattinam District.

3. The Inspector of Police,
Sirkazhi,
Nagapattinam District.

4. Anbarasan

5. Dhanushu

6. Jayalakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the third respondent police to produce the petitioner's daughter viz., Velvili (aged 29 years), daughter of K.Mathiyalagan, before this Court from the custody of respondents 4 to 6 and set her at liberty.

For Petitioner .. Mr.B.Manimaran

For Respondents .. Mr.R.Prathap Kumar,
Addl.Public Prosecutor
for R1 to R3

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the father of the detenue, has come forward to file this habeas corpus petition seeking to secure

her and produce before this Court as she was missing from 30.12.2017 onwards. This petition has been filed pursuant to the complaint given by the husband of the detinue on 28.01.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 3.

3. Learned counsel appearing for the petitioner submitted that the detinue is having two children. Thus, the respondents/ police will have to be directed to secure her.

4. Placing reliance upon the status report filed, the learned Additional Public Prosecutor submitted that it is the third time elopement of the detinue with the fourth respondent. Respondents 5 and 6 are the parents of the fourth respondent. The elopement has taken place on 30.12.2017 and the present habeas corpus petition has been filed on 06.02.2020. However, efforts are still on to trace the detinue and the fourth respondent.

5. We are not inclined to keep this habeas corpus petition pending any longer. It is a case of third time elopement of the detinue with the fourth respondent. The elopement took place on 30.12.2017 and the habeas corpus petition has been filed in the month of February, 2020.

6. Thus, prima facie, we do not find any illegal detention involved and the habeas corpus petition stands closed. However, we do not wish to close the investigation. Accordingly, we direct the third respondent to continue with the investigation. As and when the detinue is secured, she should be produced before the jurisdictional Magistrate.

Sd/-

सत्यमेव जयते Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Superintendent of Police,
Nagapattinam,
Nagapattinam District.

2. The Deputy Superintendent of Police,
Sirkazhi,
Nagapattinam District.

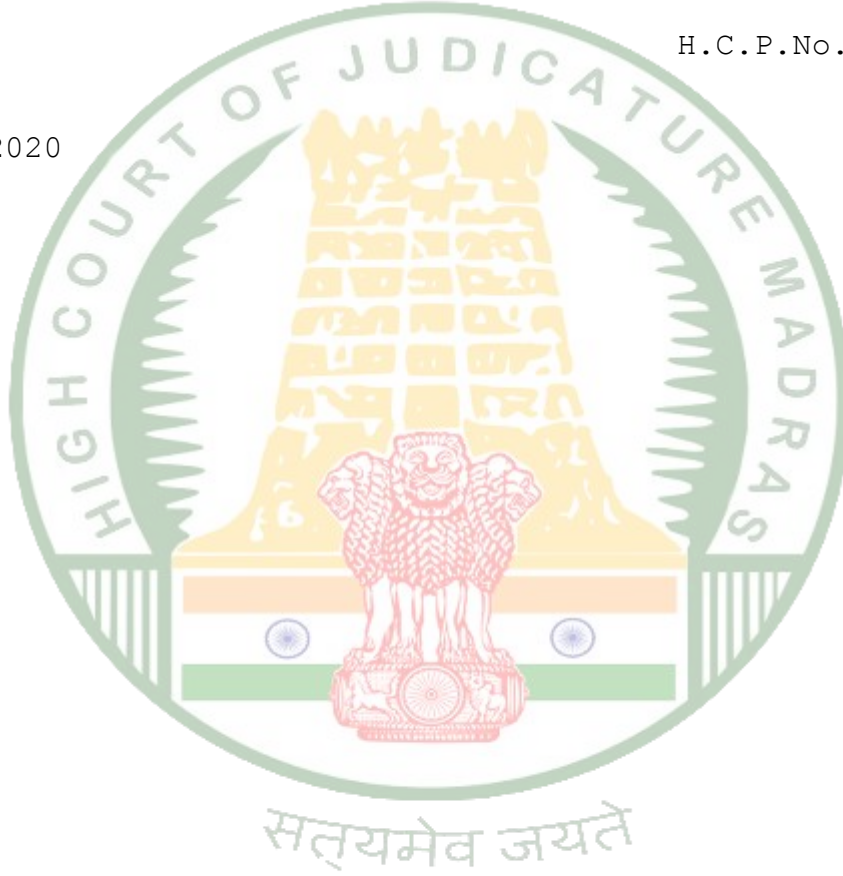
3. The Inspector of Police,
Sirkazhi,
Nagapattinam District.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.B.Manimaran, Advocate, S.R.No.34233

H.C.P.No.336 of 2020

LN(CO)
CS/05/11/2020



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