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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

H.C.P.No.813 of 2020

Vijayaragavan .. Petitioner
Vs.

State Rep. by :

1. The Superintendent of Police,
Thiruvarur, Thiruvarur District.
 2. The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus directing the respondents herein to produce the body of the petitioner's daughter Aniniya, D/o.Vijayaragagan, aged 20 years, before this Court and set her at liberty.

For Petitioner : Mr.R.Jayaprathap

For Respondents: Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(Order of the Court was passed by T.S.SIVAGNANAM, J.)

We have heard Mr.R.Jayaprathap, learned counsel for the petitioner and Mrs.Prabhavathi Ram, learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner is the father of the detainee, who is stated to be aged about 20 years. This petition has been filed alleging that on 05.5.2020, the detainee left their house at 12 Noon stating that she wanted to take the transfer certificate and mark sheet to attend college. Thereafter, she did not return home. It is further stated that the detainee is pursuing her



B.Com in SRM College, Chennai and since the detainee's whereabouts are not known, the petitioner lodged a complaint before the second respondent - police, which has been registered as Cr.No.879 of 2020. Alleging that no action has been taken against the same, the petitioner has moved this habeas corpus petition.

3. The learned Additional Public Prosecutor, on instructions, would submit that the respondents are taking effect steps to trace the detainee and in all probabilities, the detainee will be secured within a short time.

4. Considering the present situation due to lockdown, it would be unsafe for the detainee to be brought to Chennai. It would be impossible if she is to be brought to Chennai and it would not be proper for the petitioner to travel to Chennai.

5. Hence, the above habeas corpus petition is disposed of by directing the respondents to take effective steps to secure the detainee and produce her before the learned Principal District Judge, Thiruvavarur. On production of the detainee, the learned Principal District Judge, Thiruvavarur shall notify the petitioner, who, in turn, shall appear before him and thereafter the decision is left to the detainee, as she is a major. As we are disposing of the main habeas corpus petition, the respondents shall take effective steps to secure the detainee. It is made clear that if no effective steps are taken within a period of two weeks from today, we grant liberty to the learned counsel for the petitioner to restore this habeas corpus petition. The learned Additional Public Prosecutor shall intimate to the respondents today itself about this order without waiting for a copy of this order.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

RS/GG

To

1. The Superintendent of Police,
Thiruvavarur, Thiruvavarur District.
2. The Inspector of Police,
Peralam Police Station,
Thiruvavarur District.



3. The Principal District Judge,
Thiruvavur.

4. The Public Prosecutor,
High Court, Madras.

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CA (CO)
GN (01/07/2020)