



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

HABEAS CORPUS PETITION NO.848 OF 2020
(HEARD THROUGH VIDEO CONFERENCING)

Narayanan, M/65,
S/o.Karuppa Naicker.

.. Petitioner

-vs-

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

2. The Inspector of Police,
Konganapuram Police Station,
Salem District.

3. Periyasamy,
S/o.Narayanan.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to direct the second respondent to produce the petitioner's granddaughter, namely, P.Midhuna, aged 17 years before this Court from the illegal custody of the 3rd respondent and hand over to the petitioner.

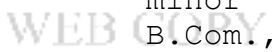
For Petitioner : Mr.R.Jayaprakash

For Respondents: RR1 & 2 - Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Heard Mr.R.Jayaprakash, learned counsel for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for respondents 1 and 2.



3. The petitioner is the paternal grandfather of the detainee, minor P. Midhuna stated to be aged 17 years and pursuing her B.Com., course in the AVS College, Salem. It is stated that the third respondent is the son of the petitioner, who had married one Hemalatha and out of the wedlock, P. Midhuna was born. It appears that the said Hemalatha, mother of the detainee, has left the matrimonial home and the third respondent has married one Rajeswari and living separately in the same village.

5. The question would be whether the petitioner can claim guardianship over the detainee ?, which, obviously, cannot be decided in a Habeas Corpus Petition. Nevertheless, since there is an allegation that minor girl has been forcibly taken, we are of the view that the respondent police should take earnest steps to trace the whereabouts of the detainee.

7. Considering the present situation, where the entire State is in a lock-down, we are inclined to dispose of this Habeas Corpus Petition with the following directions:-

<https://hcservices.ecourts.gov.in/hcservices/>



in person or through Video Conferencing;

(ii) In order to ensure that effective steps are being taken to secure the detainee, the first respondent - Superintendent of Police, Salem, is directed to monitor the matter; and

(iii) The second respondent shall complete the entire process within a period of three weeks from today (11-06-2020) and produce the detainee before the Court of the Chief Judicial Magistrate, Salem.

8. With the above directions, this Habeas Corpus petition stands disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr/gg

To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Inspector of Police,
Konganapuram Police Station,
Salem District.
3. The Chief Judicial Magistrate,
Salem.
4. The Public Prosecutor,
High Court of Madras.

H.C.P.No.848 of 2020

VD(CO)
CS/13/07/2020