

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.12.2020
CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR
H.C.P. No. 2846 of 2019

Selvaraj ..Petitioner/Detenuue of the father

Vs.

1. The Inspector of Police,
Malayampalayam Police Station,
Erode District,
Crime No. 84 of 2019.

2. Prakashraj ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus to direct the 1st respondent herein to secure the detenuue namely Vinitha D/o. Selvaraj aged about 23 years who is under unlawful custody of the 2nd respondent and produce before this Hon'ble Court and set her at liberty.

For Petitioner :: Mr.R. Nalliyappan

For Respondents :: Mr.R. Prathap Kumar
Addl. Public Prosecutor
for R1
No appearance for R2

O R D E R

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

The petitioner, being the father of the detenuue, seeks her custody from the illegal detention at the hands of the 2nd respondent.

2. Learned Additional Public Prosecutor appearing for the 1st respondent submitted that preliminary investigation revealed that the detenuue, aged about 23 years, had eloped with the 2nd respondent. This was on 12.05.2019. Despite efforts made, both the detenuue and the 2nd respondent are yet to be secured.

3. Though a case has been registered for the offence punishable under Section 366 IPC, we find that the detainee is missing from 12.05.2019 onwards and more than 1 ½ years have elapsed. Therefore, there is no purpose in keeping this petition pending, particularly, considering the fact that the detainee is a major and prima facie, it appears to be a case of elopement.

4. In such view of the matter, the Habeas Corpus Petition stands closed with a direction to the 1st respondent to proceed with the investigation to secure the detainee and the 2nd respondent.

nv

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Malayampalayam Police Station,
Erode District,
Crime No. 84 of 2019.
2. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 2846 of 2019

A.SK(18.01.2021)

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