



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.824 of 2020

S.Selvam

... Petitioner

-VS-

1.The State rep. by its
The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.

2.M.Mathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the first respondent to produce the body or person of the detainee namely S.Dheepa daughter of S.Selvam aged about 16 years old before this Court and handover the custody of the petitioner.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor (for R1)

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed by the father of the detainee, namely, S.Dheepa for her production before this Court and set her at liberty.

2.It is the case of the petitioner that the detainee was living with him and from 11.09.2020 she was found missing. In this regard, a complaint has been given to the first respondent and it has been registered in FIR No.1398 of 2020. But subsequently, no action was taken. It is alleged that the detainee has eloped with the second respondent.



3.Mr.R.Karunanidhi, learned counsel for the petitioner would state that the detinue is a minor and she was kidnapped by the second respondent, but the first respondent has not investigated the criminal case in accordance with law and hence, the petitioner has also made a complaint to the superior officer.

4.When the habeas corpus petition is taken up for hearing today, the detinue appeared before this Court through video conferencing. The petitioner's wife Mrs.Nagajothi was also present along with the detinue. During enquiry, it is stated that the petitioner and his wife are living apart and the detinue has now joined with her mother Nagajothi. It is further informed that the detinue has already completed +1 and she wants to pursue her studies.

5.In the light of the above statements, no further order is required in this habeas corpus petition. Hence, this habeas corpus petition is disposed of. It is for the first respondent police to investigate the criminal case registered in FIR No.1398 of 2020 in accordance with law.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P. (MD) No.824 of 2020

14.10.2020

SJ(CO)

TR(04.11.2020) 2P 3C

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