

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 508 of 2020

Deena

.. Petitioner

Vs.

1.The Commissioner of Police,
Egmore, Chennai - 8.

2.The Inspector of Police,
R5 Virugambakkam Police Station,
Virugambakkam, Chennai - 92.

3.The Bar Council of Tamil Nadu
and Puducherry rep. by its
Secretary,
Madras High Court Campus,
Chennai - 104.

4.The Legal Aid Authority,
Chennai.

... Respondents

(R3 impleaded suo motu vide order
dated 04.03.2020 and R4 impleaded
suo motu vide order dated 06.03.2020)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents 1 and 2 herein to search the person viz., the petitioner's mother Arputha Selvi, W/o.Abraham, aged 67 years (senior citizen), who is mentally affected person and hand over her custody to the petitioner.

For Petitioner : Mr.K.B.Sathish Kumar

For Respondents: Mr.R.Prathap Kumar,
Addl. Public Prosecutor
for R1 & R2
Mr.M.R.Jothimanian for R3
Mr.Pa.Kadirvel for R4

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

Seeking a direction to respondents 1 and 2 herein to search the person viz., the petitioner's mother Arputha Selvi, W/o.Abraham, aged 67 years, who is mentally affected person and hand over her custody to the petitioner, the present habeas corpus petition has been filed.

2.It is the case of the petitioner that her mother Arputha Selvi aged around 62 years, who is mentally affected, went missing from 31.05.2018 and that the police have not taken effective steps to secure her.

3.Today, Ms.T.Magudeswari, Inspector of Police, R5 Virugambakkam Police Station, Chennai is present.

4.On instructions, learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, a case in Virugambakkam P.S. Crime No.346 of 2018 was registered on 08.06.2018 for 'woman missing' and investigation is in progress. The fact remains that the said Arputha Selvi went missing in the year 2018 and despite best efforts by the police, they were not able to trace her. It is not the case of the petitioner that Arputha Selvi is in the illegal custody of anyone.

5.In view of the above, this habeas corpus petition is closed with a direction to the police to proceed with the investigation in Virugambakkam P.S. Crime No.346 of 2018 and as and when Arputha Selvi is secured, she may be produced before the jurisdictional Magistrate, under intimation to the petitioner.

Sd/-

Asst.Registrar (CS VII)

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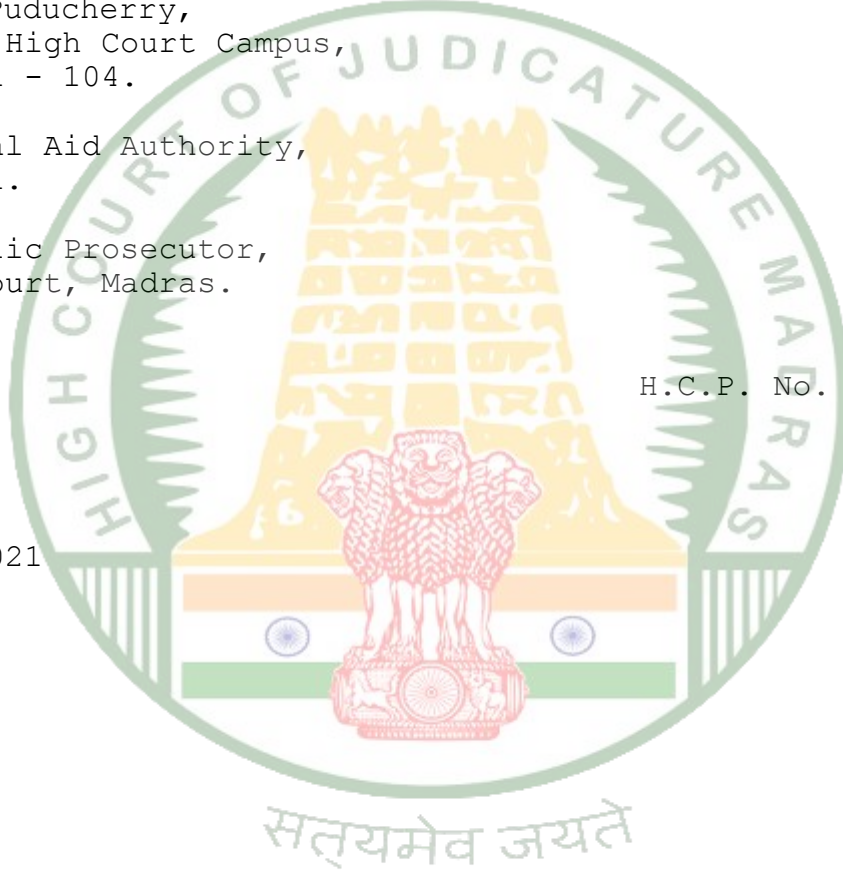
Sub Asst. Registrar

To

- 1.The Commissioner of Police,
Egmore, Chennai - 8.
- 2.The Inspector of Police,
R5 Virugambakkam Police Station,
Virugambakkam, Chennai - 92.
- 3.The Secretary,
Bar Council of Tamil Nadu
and Puducherry,
Madras High Court Campus,
Chennai - 104.
- 4.The Legal Aid Authority,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 508 of 2020

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