

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.505 of 2021

S.Thangaraj ... Petitioner

Vs.

1.The Superintendent of Police
District Police Office
Nethimedu
Salem 636 002

2.The Inspector of Police
Mecheri Police Station
Mecheri
Salem 636 453

3.K.Periyaswamy ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the respondents to produce the body or person of the petitioner's daughter namely Mrs.Sangeetha, aged 24 years, before this Court and set her at liberty forthwith.

For Petitioner : Mr.L.Narasimha Varman

For R1 and R2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

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

It is the case of the petitioner that his daughter Sangeetha, aged 24 years, went missing from 18.02.2021 and that the police are not taking effective steps to secure her.

2. On instructions, Mr.R.Prathap Kumar, learned Additional Public Prosecutor submitted that Sangeetha was married to one Munuswamy and she got estranged from him; thereafter, she developed intimacy with one Periyaswamy/3rd respondent and has eloped with him; in this regard, on a complaint lodged by the petitioner, a case in Mecheri P.S.Crime No.130 of 2021 for 'woman missing' has been registered on 03.03.2021 and investigation is in progress.

3. Since Sangeetha is not in illegal custody of any person, no writ of habeas corpus can be issued. However, we direct the Deputy Superintendent of Police, Mettur, to monitor the investigation in Mecheri P.S.Crime No.130 of 2021 and keep the petitioner informed of the developments, if any. As and when the detainee viz. Sangeetha is secured, she shall be produced before the Judicial Magistrate No.II, Mettur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detainee.

With the above observation and direction, this petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II
Mettur

2.The Superintendent of Police
District Police Office, Nethimedu
Salem 636 002

3.The Deputy Superintendent of Police
Mettur

4.The Inspector of Police
Mecheri Police Station
Mecheri, Salem 636 453

5.The Public Prosecutor
High Court, Madras

H.C.P.No.505 of 2021

SSN (CO)
GMY (22/06/2021)



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