

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice KRISHNAN RAMASAMY

H.C.P.No.532 of 2021

R.Shankar

.. Petitioner

Vs.

1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi - 606 202.

2.The Inspector of Police,
Thiyagadurgam Police Station,
Thiyagadurgam - 606 206.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the 1st respondent to produce the petitioner's wife Bhavani, aged 24 years and petitioner's daughter Sivatharshini, aged about 1 year, before this Court and set them at liberty.

For Petitioner : Mr.P.R.S.Thamihmaran
For R1 : Mr.L.Charles Premkumar
Government Advocate (Crl.Side)

ORDER

[Order of the Court was made by KRISHNAN RAMASAMY.J.]

This habeas corpus petition has been filed seeking to direct the 1st respondent to produce the petitioner's wife Bhavani, aged 24 years and petitioner's daughter Sivatharshini, aged about 1 year, before this Court and set them at liberty.

2. It is the case of the petitioner that his wife Bhavani, aged about 24 years and his daughter Sivatharshini, aged about 1 year, went missing from 04.10.2020 and that the police are not taking effective steps to secure them.

3. On instructions, the learned Government Advocate (Crl.Side) submitted that on a complaint given by the petitioner, a case in Thiyagadurgam Police Station Crime No.1488 of 2020 under Section 366 IPC was registered and the enquiry conducted so far revealed that Bhavani (detenue) was having an affair with one Nataraj and eloped with him.

4. In view of the above, it cannot be stated that Bhavani (detenue), aged about 24 years, is in the illegal custody of anyone for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition is closed with a direction to the Deputy Superintendent of Police, Thittakudu Sub-Division, to monitor the investigation in Thiyagadurgam Police Station Crime No.1488 of 2020 and keep the petitioner informed of the developments, if any. As and when the detenues viz., Bhavani, aged about 24 years and her daughter Sivatharshini, aged about 1 year, are secured, they shall be produced before the Judicial Magistrate Court No.II, Kallakurichi, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detenues.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nsd
To

1.The Judicial Magistrate No.II,
Kallakurichi.

2.The Deputy Superintendent of Police,
Thittakudi Sub-Division, Thittakudi.

3.The Superintendent of Police,
Kallakurichi District,
Kallakurichi - 606 202.

4.The Inspector of Police,
Thiyagadurgam Police Station,
Thiyagadurgam - 606 206.

5.The Public Prosecutor,
Madras High Court, Chennai - 600 104.

+lcc to Mr.P.R.S.Thamizharasan, Advocate SR.No. 22732

H.C.P.No.532 of 2021

A.SK(05.07.2021)