

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

H.C.P.NO.592 OF 2021

N.Mohan

..Petitioner

Vs.

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Old Municipality Building, 1st Floor,
Avadi, Chennai - 54.

2.The Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct respondents to produce the body of the petitioner's daughter viz., M.Pooranima, aged about 35 years and petitioner's grandson S.Raghavan, son of Senthilkumar, aged about 7 years, before this Court and set them at liberty.

For Petitioner : Mr.D.Muthuselvam

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct respondents to produce the body of the petitioner's daughter viz., M.Pooranima, aged about 35 years and petitioner's grandson S.Raghavan, son of Senthilkumar, aged about 7 years, before this Court and set them at liberty.

2. It is the case of the petitioner that his daughter Pooranima, aged about 35 years, was married to Senthilkumar and through him, she has two children; on account of marital discord, Pooranima estranged from her husband and started living

with with along with her children. It is the grievance of the petitioner that Pooranima and her son Raghavan, went missing from 24.03.2021 and that the police are not taking effective steps to secure them.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Kundrathur Police Station Crime No.201 of 2021 has been registered for 'woman and boy missing' on 07.04.2021 and investigation is in progress.

4. On coming to know of this habeas corpus petition, Pooranima has entered appearance through an Advocate Mr.Alvin Manoj Raj (Enrollment No.1044 of 2009; Mobile No.98842 39625), who submitted that Pooranima and Raghavan are not in the illegal custody of any one and on account of misunderstanding, she came out of her parental home and is living separately. He also stated that he is willing to produce Pooranima before this Court through video conference.

5. In such view of the matter, we direct Pooranima to appear before the Inspector of Police, Kundrathur Police Station, in Crime No.201 of 2021 and thereafter, the police shall produce her before the Judicial Magistrate Court, Sriperumbudur, who shall pass appropriate orders with regard to the custody in accordance with law. The police shall not remove the custody of the child viz., Raghavan, aged about 7 years, from Pooranima. The parties may settle the matter in accordance with law before the appropriate Court concerned with regard to the custody of the child.

With the above directions, this habeas corpus petition stands closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Sriperumbudur.

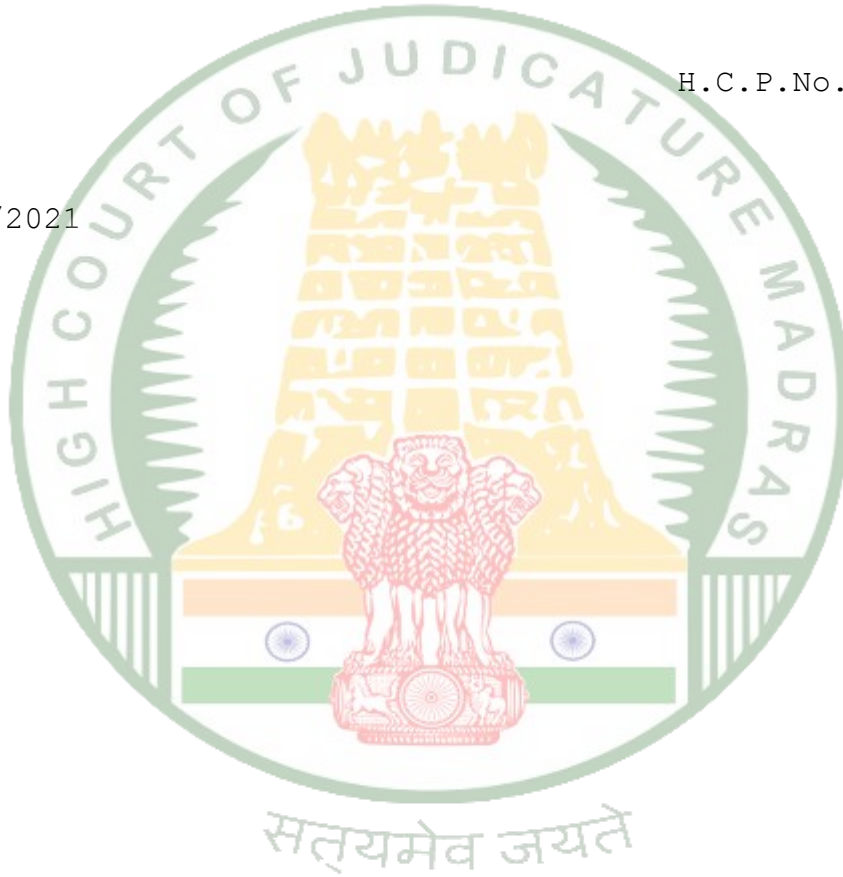
2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Old Municipality Building, 1st Floor,
Avadi, Chennai - 54.

3.The Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur.

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

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