



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1148 OF 2021

R.Kavitha

... Petitioner

.Vs.

1. The Superintendent of Police,
Puducherry District,
Pondicherry.
2. The Inspector of Police,
Mudhaliyarpettai Police Station,
Mudhaliyarpettai,
Pondicherry.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to produce the body of the petitioner's daughter viz., Durga, aged about 23 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.S.Kasirajan

For Respondents : Mr.V.Balamurugane
Addl. Public Prosecutor
(Puducherry)

O R D E R

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

It is the case of the petitioner that her daughter viz., Durga was working as a staff nurse in Puducherry went for work on 12.07.2021 and thereafter, did not return home. Hence, the petitioner gave a representation dated 15.07.2021 to the police and since the police did not take any steps to secure her, she has filed the present petition.



2. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor (Puducherry) submitted that on a complaint given by the petitioner, a case in Mudhaliyarpettai P.S.Crime No.135/2021 for woman missing and during the course of investigation, Durga was contacted by the police over her mobile No.96004 86907, in the presence of the petitioner's counsel. It appears that Durga told them that she has gone on her own volition to Delhi in search of job and that she being 22 years of age, would like to chalk her own life without anyone's intervention. Thus, according to the learned Additional Public Prosecutor (Puducherry), Durga is not in illegal custody of anyone for issuance of a writ of habeas corpus.

Recording the same, this petition is closed with a direction to the 2nd respondent police to proceed with the investigation in Mudhaliyarpettai P.S.Crime No.135/2021 and produce Durga as and when she is secured, before the learned Chief Judicial Magistrate, Puducherry under intimation to the petitioner. On such production, the learned Chief Judicial Magistrate, Puducherry shall pass appropriate orders with regard to the custody.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate,
Puducherry.
2. The Superintendent of Police,
Puducherry District,
Pondicherry.
3. The Inspector of Police,
Mudhaliyarpettai Police Station,
Mudhaliyarpettai,
Pondicherry.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.NO.1148 OF 2021

GJ(CO)
PBS/27/08/2021