



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2021

CORAM

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

H.C.P.No.2818 of 2019

K.Jayakumar

.. Petitioner

Vs.

1.The State rep. by
The Inspector of Police
Sulur Police Station
Coimbatore District

2.The District Superintendent of Police (Rural)
O/o.The District Superintendent of Police (Rural)
Coimbatore District. .. Respondents
(R2 impleaded as per order in CrI.MP.18996/19 in HCP.2818/19
dt:20/12/19)

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the respondent police to produce the detainee J.Shamini, female child aged about 5 years, daughter of the petitioner, bodily or in person before this Hon'ble Court and hand over her custody to the petitioner.

For Petitioner : Mr.C.Shanmugam

For Respondents : Mr.R.Muniyapparaj
Government Advocate (CrI. Side)

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 viz., Shamini, aged about 5 years was playing along with her friends, near the village Mariamman temple on 05.10.2019 around 05.00 p.m. and thereafter, she did not return home; efforts taken by



the petitioner and other villagers to trace Shamini did not bear fruition. Therefore, on a complaint lodged by the petitioner, a case in Sulur P.S.Crime No.835 of 2019 for "girl missing" was registered on 05.10.2019 and investigation is in progress, that being so, the petitioner has filed the present habeas corpus petition for production of the said child.

2. The police have filed around three status reports setting out the steps that has been taken by them to secure Shamini, but in vain. The last status report dated 08.03.2021, has been filed by T.K.K.Senthilkumar, Deputy Superintendent of Police, Anti Land Grabbing Special Cell, Coimbatore-18, wherein, he has stated in paragraph 13 and 14 as follows :

"13. Further on 12.02.2021 they went to the Women Rural Employment Office, Kumarapalayam, Sulur and enquired Rani about the missing girl. Again on 15.02.2021 they went to Kumarapalayam, Sulur and enquired Sampath, Govarthan and Sathiyamurthy about the missing girl. On 17.02.2021 they went to Sulur Kannampalayam and enquired Employment Officer Tmt.Vanitha about the missing girl but no information was received.

14. In these circumstances, I humbly submit that all the efforts are being taken to trace the missing girl and the investigation is still pending. The investigation will be completed as soon as possible based on the information yet to be received from the special teams and also the other sources. There is no negligence on the part of the investigation agency in conducting the investigation in this case and the investigation agency is dedicated in tracing the missing girl. Further, I sincerely apologize for the delay in tracing the missing girl which is neither intentional nor negligent but only due to the lack of information from the residents of the locality who were said to be present in the place of occurrence on the said date."

3. In such view of the matter, it cannot be stated that Shamini is in the illegal custody of any person, for issuance of a writ of habeas corpus. Hence, this Habeas Corpus Petition stands closed, with a direction to the Superintendent of Police, Coimbatore District, to closely monitor the investigation in Sulur P.S.Crime No.835 of 2019, that is being investigated by the Deputy Superintendent of Police, Anti Land Grabbing Special Cell, Coimbatore and keep the petitioner informed of the developments, if any. As and when the child is secured, she shall be produced before the Judicial Magistrate, Sulur, under



intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detinue.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate
Sulur

2.The District Superintendent of Police (Rural)
O/o.The District Superintendent of Police (Rural)
Coimbatore District.

3.The Superintendent of Police
Coimbatore District.

4.The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Coimbatore.

5.The Inspector of Police
Sulur Police Station
Coimbatore District

6.The Public Prosecutor
High Court, Madras

H.C.P.No.2818 of 2019

GSM(CO)
CB(23/07/2021)