



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.(MD) No.978 of 2021

P.Pandiarajan

... Petitioner

vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.

3.Jobin Jobi

4.Shaji @ Shathi

5.Anitha

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or person of the petitioner's minor daughter namely Nidya Devi D/o.Pandiarajan, aged about 18 years from the illegal custody of the 3 to 5 respondents before this Court and hand over to him.

For Petitioner : Mr.Ganapathi Subramanian

For Mr.K.Vairaveeran

For R 1 and 2 : Mr.S. Ravi

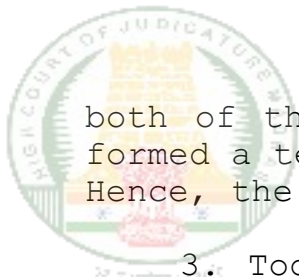
Standing counsel for the State

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's daughter, by name, Nidya Devi, aged about 17 years, found missing from 19.08.2020, the petitioner has given a complaint before the 2nd respondent police alleging that the respondents 3 to 5, who hailing from Kerala, might have abducted his daughter, has given a complaint. Since no action has been taken, the present Habeas Corpus Petition has been filed.

2. Earlier, when the matter came up for hearing Mr. Ravi, the learned Standing Counsel for the State submitted that the detainee ~~had~~ ^{had} ~~been~~ ^{been} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~custody~~ ^{custody} ~~of~~ ^{of} ~~the~~ ^{the} ~~3rd respondent~~ ^{3rd respondent} and also got married at Kerala and



both of them are residing in Kerala. He also submitted that they formed a team and the team has gone to Kerala to secure the accused. Hence, the matter was adjourned today.

3. Today, when the matter is taken up for hearing, Mr.S.Ravi, the learned Standing Counsel for the State would submit that the 2nd respondent police along with the mother of the detainee gone to the house of the 3rd respondent and they found house is locked and they are not able to secure the detainee and they are continuing with the investigation to secure the accused.

4. Considering the submissions, since the detainee is found missing more than one year, the second respondent police is directed to proceed with the investigation, secure the detainee as early as possible and produce before the concerned Judicial Magistrate. On such production, the concerned Judicial Magistrate is directed to pass suitable orders regarding the custody of the detainee, in accordance with law.

5. With the above directions, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mpk

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.978 of 2021
08.09.2021

WEB COPY

GC (21.09.2021) 3P 4C