



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1019 of 2021

A.Narayanan

... Petitioner/Father of
the detenu

-vs-

1.State represented by
the Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.

3.Siva Anand

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1 and 2 to produce the body or person of the detenu by name Arthi (female), aged about 25 years, D/o. A.Narayanan, who is under illegal custody of the third respondent herein in the present case, before this Court and consequently set her at liberty.

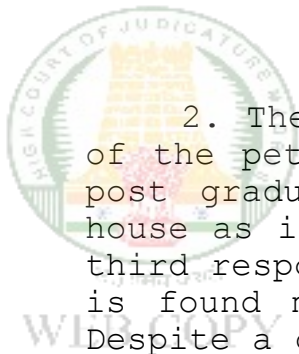
For Petitioner : Mr.J.William Christopher

For R1 & R2 : Mr.T.Senthil Kumar
Standing counsel for the State

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the petitioner's daughter viz., Arthi, aged about 25 years, from the illegal custody of the third respondent and set her at liberty.



2. The petitioner is the father of the detenu. It is the case of the petitioner that his daughter has successfully completed her post graduate in M.Sc., Physics and was staying in the parental house as idle. It is alleged that she developed friendship with the third respondent. The grievance of the petitioner is that the detenu is found missing from 25.06.2021 with jewels and other articles. Despite a complaint to the second respondent, no action was taken to trace the detenu.

3. Heard the learned counsel for the parties and perused the materials available on record.

4. In the instant case, it is not in dispute that the detenu is a major and she has completed post graduation in M.Sc., Physics. From the perusal of the representation of the petitioner, dated 17.07.2021, it is seen that before the detenu left the parental home, had left a letter stating that on her own volition she is leaving the home. The petitioner himself admits that she was having friendship with the third respondent. Nothing is on record to indicate that she is in illegal detention of the respondents.

5. In the light of the above facts, we are not inclined to entertain this petition. Hence, the Habeas Corpus Petition is disposed of, directing the second respondent to speed up the investigation in Crime No.196 of 2021 and trace the detenu at the earliest. The concerned Deputy Superintendent of Police is directed to monitor the investigation in this case. The progress in the investigation shall be informed to the petitioner.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Tenkasi District,

Tenkasi.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.

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

+1 CC to M/s.J.WILLIAM CHRISTOPER, Advocate (SR-23751[F] dated
23/07/2021)

H.C.P. (MD) No.1019 of 2021
23.07.2021

RK (04.08.2021) 3P 5C