

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P.No.1538 of 2015

S.Radha

Petitioner

vs.

1.The Superintendent of Police
Erode District,
Erode.

2.The Inspector of Police,
South Police Station,
Erode.

3.Lakshmanasamy

Respondents

Habeas Corpus 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 of the detenu/petitioner's husband namely Shanmugasundaram (42 years) and set him at liberty before this Hon'ble Court.

For Petitioner :Mr.M.Guruprasad

For Respondents:Mr.A.N.Thambidurai
Additional Public Prosecutor for R1 and R2
Mr.V.S.Kesavan for R3

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the body of the detenu/petitioner's husband namely Shanmugasundaram (42 years) and set him at liberty before this Hon'ble Court.

2. It is the case of the petitioner that her husband,

Shanmugasundaram, aged about 42 years went missing on 02.02.2015, in connection with which a case in Erode South Police Station Cr.No.209 of 2015 has been registered for "man missing" and investigation is in progress. The petitioner suspected the involvement of the third respondent for the missing of her husband on the score that, he has filed suit against her husband in O.S.No.375 of 2014 before the Principal District Munsif Court, Erode.

3. Learned counsel for the third respondent submits that, though the third respondent has filed a suit against the petitioner's husband, he has nothing to do with the petitioner's husband going missing. It is reported that the respondent police have enquired the third respondent and found that the missing person is not under his illegal detention. Further, the Status Report discloses that the police are taking effective steps to trace the missing person.

4. In view of the above, we are of the opinion that there is no illegal detention of the missing persons warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus Petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No.209 of 2015 and keep the petitioner informed of the developments, if any.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Superintendent of Police
Erode District,
Erode.

2.The Inspector of Police,
South Police Station,
Erode.

3.The Public Prosecutor
High Court of Madras
Chennai.

+1 cc to Mr.M.Guruprasad, Advocate, sr.69316

+1 cc to Mr.V.S.Kesavan, Advocate, sr.69291

H.C.P.No.1538 of 2015

ksj co

kra 20.01.2016