

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR

AND

THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P. No.1950 of 2015

K.Kumar

Petitioner

vs.

1.The Superintendent of Police,
Salem.

2.State by Inspector of Police,
Malliyakarai Police Station,
Salem District.

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent herein to secure the detinue namely Sathiyapriya W/o.Kumar aged about 20 years whose whereabouts is not known and produce before this Hon'ble Court.

For Petitioner

Mr.R.Nalliyappan

For Respondents

Mr.A.N.Thambidurai

Additional Public Prosecutor for R1 & R2

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ORDER

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

This petition has been filed seeking a direction to the second respondent herein to secure the detinue, namely Sathiyapriya W/o.Kumar aged about 20 years and produce her before this Hon'ble Court.

2. It is the case of the petitioner that his wife Sathiyapriya, aged about 20 years went missing on 16.01.2015, in connection with which a case in Malliyakarai Police Station Cr.No.24 of 2015 for "woman missing" has been registered and investigation is in progress. The respondent police have filed a Status Report detailing the steps taken by them for securing the missing person.

3. During the course of arguments, learned counsel for the petitioner submitted that the involvement of one Velumani in the abduction of his wife is suspected and therefore, on the directions of this Court, the said Velumani was produced before this Court.

4. On enquiry, Velumani stated that the said Sathiyapriya was his classmate in School and after her marriage with the petitioner/Kumar, he did not have any contact with her and he is working in a rig far away in Maharashtra. On coming to know that he is required to appear before this Court, he has come from Maharashtra.

5. On instructions from the Inspector of Police present before this Court, learned Additional Public Prosecutor submits that the police have gone to Maharashtra and have found that the missing person is not available there.

In view of the above, we are of the view that this is not a case of illegal detention, warranting issuance of Writ of Habeas Corpus. Accordingly, this petition is closed with a direction to the respondent police to proceed with investigation in Cr.No.24 of 2015 and keep the petitioner informed of the developments, if any.

Recording the same, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (Cs-V)

/TRUE COPY/

Sub-Assistant Registrar

gms

To

1.The Superintendent of Police,
Salem.

2.The Inspector of Police,
Malliyakarai Police Station,
Salem District.

3.The Public Prosecutor
High Court of Madras, Chennai.

+1 CC to MR.R.Nalliyappan Advocate. SR.NO.67430

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CO-SV
JD 08/01/2016



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