

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.3165 of 2014

A.Kaleel

Petitioner

Versus

1.State rep by
Inspector of Police
Krishnakiri Town Police Station
Krishnakiri Dt.

2.The Deputy Superintendent of Police
Krishnakiri Range
Krishnakiri & Dt.

3.The Superintendent of Police
Krishnakiri District
Krishnakiri.

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus calling for records of the first respondent in Cr.No.253/2014 dated 17.03.2014 and direct the 1st respondent to produce the detenu, Reehana wife of Kaleel, aged 30 years before this Court and set her at liberty.

For Petitioner: Mr.C.Sivakumar

For Respondents: Mr.A.N.Thambidurai
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed to call for records from the first respondent in Cr.No.253/2014 dated 17.03.2014 and direct him to produce the detenu, Reehana, wife of Kaleel, aged 30 years before this Court and set her at liberty.

2. It is the case of the petitioner that his second wife Reehana went missing on 12.11.2013 with two children born to her through the petitioner and a case in Cr.No.255 of 2014 has been registered by the respondent police for "woman and children missing". The respondent police have filed a Status Report detailing the steps that have been taken by them to trace the wife and children of the petitioner, which reads as follows:

"9. I submit that, as far as the allegations made by the defacto complainant/petitioner in his petition is totally false, as I examined the following witnesses and their statements were recorded:

(i) Manickam (ii) Venkattamma - Wife of the Manickam; Manimaram-Bangalore, Tirupathy-Vethiampatti Village who are the relations of the Manickam. The statements reveals that

(i) the suspected Rajesh is doing mason work with Manimaran at Bangalore. At that time, suspected Rajesh met with an accident while doing mason work in Bangalore, for treatment he was sent to Manickam's house who is residing at Priapanamutulu Village, Krishnagiri. After recovery, the said Manickam sent the suspected Rajesh to do mason work to his another relation Tirupathy at Vethiampatti Village.

(ii) Meanwhile the said Tirupathy arranged marriage to the suspected Rajesh and after marriage he lead his family life with two male children and doing mason work with the said Tirupathy. Since he has to repay the marriage loan to Tirupathy to the tune of Rs.50,000/-, he absconded along with family without intimation to Tirupathy, before one week to the occurrence date.

(iii) While doing mason work with Tirupathy, the suspected Rajesh was sent to do mason work for 15 days in the defacto complainant's mother-in-law's residence. Hence the defacto complainant suspected against the said Rajesh with regard to missing of his wife.

(iv) The defacto complainant, Manickam along with Police team visited Ramapuram Village near Ranganyinapalli, Andhrapradesh State. They made oral enquiry with relatives

of the said Rajesh and came to know that the said Rajesh was not came and they doesn't whereabouts of the said Rajesh.

Further no witnesses stated that they saw the detainee along with the suspected Rajesh."

3. We find from the averments that, this is not a case of illegal detention of Reehana and her two children by anyone warranting issuance of Writ of Habeas Corpus. She is suspected to have gone along with one Rajesh. Accordingly, this Habeas Corpus Petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No.255 of 2014 and keep the petitioner informed of the developments, if any.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.State rep by
Inspector of Police
Krishnakiri Town Police Station
Krishnakiri Dt.

2.The Deputy Superintendent of Police
Krishnakiri Range
Krishnakiri & Dt.

3.The Superintendent of Police
Krishnakiri District
Krishnakiri.

4.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.C.Sivakumar Advocate sr.68773

HCP.No.3165 of 2014

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