



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.1432 of 2015

S.Josphin Punitha

.. Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2.The Inspector of Police,
Kulasekharam Police Station,
Kanakumari District.

3.The Sub Inspector of Police,
Pechiparai Police Station,
Kanyakumari District.

4.Ramya

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the detenu by name, J.Kumar, S/o. John Rose, aged about 39 years, who is the husband of the petitioner before this Court and set him at liberty.

For Petitioner : Mr.B.Brijeshkishore

For RR 1 to 3 : Mr.K.S.Duraipandian

Additional Public Prosecutor.

For R4 : No appearance

ORDER

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner is the wife of one Mr.Kumar, aged about 39 years. She has already got a child. According to her, her husband is missing from 15.09.2015 onwards. In this regard, a complaint has been made by the petitioner to the police, but no action has been taken, is her grievance. Therefore, she is before this Court with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State, and perused the records carefully.



3. The learned Additional Public Prosecutor would submit that the enquiry has revealed that Mr.Kumar has eloped with the fourth respondent - Mrs.Ramya, who is also already married. Their whereabouts were not known and steps are being taken to locate them. He would further submit that on the complaint of the petitioner, a case has been registered for 'man missing' and the same is under investigation. The said statemet is recorded.

4. In our considered view, since, there is no allegation of illegal detention of Mr.Kumar and since it is a case of elopement, there is no scope to issue any direction or order as prayed for in this Habeas Corpus Petition. Therefore, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

PJL

To

1.The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2.The Inspector of Police,
Kulasekharam Police Station,
Kanakumari District.

3.The Sub Inspector of Police,
Pechiparai Police Station, Kanyakumari District.

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

+one cc to Mr.B.Brijesh Kishore, Advocate in SR.NO.60057

ORDER MADE IN
H.C.P (MD) No.1432 of 2015
08.10.2015

CSL/MP/27.10.2015
2P/6C