



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No. 857 of 2015

S.Maria Johnsi

.. Petitioner

Vs.

State rep by,

1. The Superintendent of Police,
Ramanathapuram District.
Ramanathapuram.

2.The Inspector of Police,
All Women Police Station,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, praying for a direction to the respondents to produce the person or body of her husband, Suresh, S/o.Arockiam, aged 25 years old, before this Court and set him at liberty.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

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

The petitioner is the wife of one Mr.Suresh, S/o.Arockiam, aged about 25 years. According to the petitioner, her husband Mr.Suresh has been found missing from 11.02.2015 onwards. Seeking to secure him, she has come up with this Habeas Corpus Petition.

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

3.It is submitted by the learned Additional Public Prosecutor that on the complaint made by the petitioner against the detainee/Mr.Suresh, a case has been registered in Crime No.9 of 2015 under Section 498 (A) of I.P.C. Out of fear for The case, it appears that Mr.Suresh has been hiding himself. He would further submit that every possible steps have been taken by the second respondent to secure him. The said statement is recorded.



4. In our considered view, since there is no illegal detention and since the dispute is purely matrimonial in nature and because of the same, the detenu is hiding elsewhere, there is no scope to issue any direction as prayed for. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ramanathapuram District.
Ramanathapuram.
2. The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.P.Sandhana Krishnan, Advocate SR.No.47202

ORDER MADE IN
H.C.P (MD) No.857 of 2015

18.08.2015

sm:JGB:SAR J:09.09.2015:2P/5c