

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-03-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

HABEAS CORPUS PETITION No.400 of 2016

Basheera

.. Petitioner

VS

1.The State Rep. By,
The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Avaloorepet Police Station,
Villupuram District.

.. Respondents

Habeas corpus petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the person body of the petitioner's husband by name Abdul Rahman, aged about 38 years, before this Court, and hand over his custody to the petitioner.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was delivered by M.JAICHANDREN, J.)

This habeas corpus petition has been filed praying that this Court may be pleased to direct the respondents to produce the petitioner's husband viz. Abdul Rahman, aged about 38 years, before this Court and set him at liberty.

2.The petitioner has stated that the marriage between her and the detenu had been solemnised on 5.6.2008, at Kilpennathur, Thiruvannamalai District. Out of the wedlock, a female child had been born viz. Shabira, aged about 7 years. The detenu had been working as an agent of Reliance Cell Company, at Thiruvannamalai, from 2012. While so, he had gone missing, from 17.12.2015. Therefore, the father-in-law of the

petitioner had preferred a complaint before the second respondent police, on 8.1.2016, and it had been registered in Crime No.7/2016, as a "man missing" case. However, since the second respondent police had not taken effective steps to trace the detenu, the petitioner has preferred the present habeas corpus petition before this Court.

3.The learned Additional Public Prosecutor appearing on behalf of the respondents, had submitted, on instructions, that necessary steps had been taken, by the second respondent police, to trace the detenu and that they would continue the search.

4.It is noted that there is no specific allegation made by the petitioner, that the detenu is in the illegal custody of anyone. It is also noted that the second respondent police had registered the complaint made by the father-in-law of the petitioner, in Crime No.7/2016, as a "man missing" case, and that they are taking sufficient steps to trace the detenu. In such circumstances, we do not find any reason to grant the relief, as prayed for in this habeas corpus petition, at this stage.

5.Hence, the habeas corpus petition stands closed. However, it is made clear that the second respondent police shall continue the investigation to trace the detenu and to take necessary steps in accordance with law.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To:

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

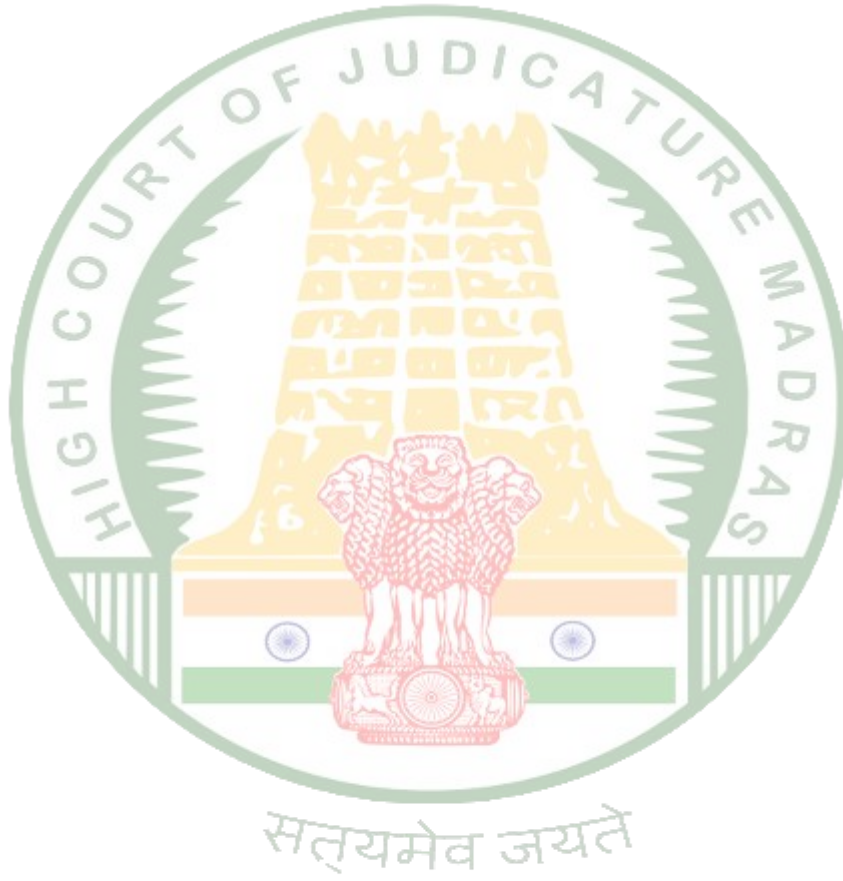
2.The Inspector of Police,
Avaloorepet Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.E.Kannadasan, Advocate, S.R.No.14044

H.C.P.No.400 of 2016

svi(CO)
srg(14/03/2016)



WEB COPY