



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

H.C.P. (MD) No.1253 of 2016

Kamaraj

: Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Karur, Karur District.

2. The Inspector of Police,
Mayanur Police Station,
Krishnarayapuram Taluk,
Karur District.

3. Sharma

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, namely Dhanalakshmi, wife of the petitioner, D/o.Sivasami, aged about 26 years before this Court and set her at liberty.

For Petitioner

: Mr.RM.Sivakumar

For Respondents 1&2

: Mr.A.Ramar,

Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this Habeas Corpus Petition alleging that his wife Mrs.Dhanalakshmi, aged 26 years, has been found missing from 03.09.2016 onwards. In this regard, according to him, he made a complaint to the second respondent on 03.09.2016 itself. However, the second respondent refused to receive the same, he alleged. Thereafter, according to him, he sent a complaint to the Superintendent of Police on 04.09.2016 and immediately thereafter, he filed this Habeas Corpus Petition on 09.09.2016 alleging that no action was taken by the police to rescue the detenu.



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

3. The learned Additional Public Prosecutor would submit that complaint sent to the Superintendent of Police was received by the second respondent only on 12.09.2016. After that, steps are being taken to trace out the detenu. He would further submit that appropriate case would be registered on the said complaint and investigation would be taken up. The said submission is recorded.

4. In this case, the petitioner, even without giving breathing time for the police to take action, has rushed to this Court immediately after sending complaint to the Superintendent of Police. Thus, in our considered view, this Habeas Corpus Petition is highly premature. Therefore, no relief could be granted to the petitioner in this Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is dismissed, however, with liberty to the petitioner to approach this Court, after waiting for a reasonable time.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Karur, Karur District.
2. The Inspector of Police,
Mayanur Police Station,
Krishnarayapuram Taluk,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.RM.SIVAKUMAR, ADVOCATE IN SR No. 52971/16

SML

TE/SK-SKN : 04/10/2016 : 2P/5C

Order made in
H.C.P. (MD) No.1253 of 2016
Dated:
16.09.2016