



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM:

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

H.C.P. (MD) No.1277 of 2016

I.Mary : Petitioner

Vs.

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

2.The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

: 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 herein to produce the body or person namely Subramanian, aged about 35 years, Son of Kumaresan before this Court and set him at liberty.

For Petitioner : Mr.Niranjana.S.Kumar
For Respondents : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of one Subramaniyan, S/o.Kumaresan, aged 35 years. According to the petitioner, the detenu has been found missing from 29.10.2015 onwards. In this connection, a case has been registered on the file of the second respondent in Crime No.369 of 2015 for man missing. Since the detenu has not been rescued, so far, by the police, the petitioner has come up with this Habeas Corpus Petition.

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



3. From the affidavit and from the other records including the First Information Report, it is crystal clear that it is not a case of any illegal detention.

4. It is stated by the learned Additional Public Prosecutor that due to some domestic quarrel between the petitioner and the detenu, the detenu voluntarily had gone out of the matrimonial home. The same is recorded.

5. Since the investigation is in progress, no further direction could be given in this matter, except making an observation that the second respondent shall expedite the investigation.

6. The Habeas Corpus Petition is dismissed with the above observation.

Sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar.

To

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

2. The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

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

Order made in
H.C.P. (MD) No.1277 of 2016
Dated:
20.09.2016

SML
AM/SS3/29.09.2016/2P/4C