



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.[MD].No.1445 of 2016

Nageswari : Petitioner

Vs.

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

2. The Inspector of Police,
Kilathuval Police Station,
Kilathuval,
Ramanathapuram 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 1 and 2 to produce the body or person of the petitioner's husband, namely Prasath, Son of Rasu, aged about 26 years old before this Court and set him at liberty.

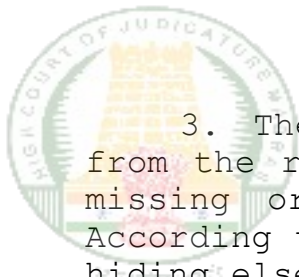
For Petitioner	: Mr.R.Karunanidhi
For Respondents	: Mr.A.Ramar, Additional Public Prosecutor

ORDER

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

The petitioner is the wife of one Prasath, S/o.Rasu, aged 26 years. According to the petitioner, Mr.Prasath has been found missing from 24.09.2016 onwards. In this regard, a case has also been registered by the second respondent for man missing. But, still Mr.Prasath has not been secured by the second respondent, is the grievance of the petitioner. Therefore, she has come up with this Habeas Corpus Petition.

2. Today, the Habeas Corpus Petition has come up for admission. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, taking notice for the respondents.



3. The learned Additional Public Prosecutor, on instructions from the respondents, would submit that it is not a case of either missing or illegal detention, but, it is a case of elopement. According to him, Mr. Prasath has eloped with one Maheswari and he is hiding elsewhere.

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4. From the said submission made by the learned Additional Public Prosecutor, we are satisfied that there is no illegal detention of Mr. Prasath and, therefore, the relief sought for in this petition cannot be granted. Accordingly, the Habeas Corpus Petition is dismissed, however, with a direction to the second respondent to go ahead with the investigation of the case.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
Kilathuval Police Station,
Kilathuval,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr. R. KARUNANIDHI, ADVOCATE IN SR No. 64378

SML

TE/SS-2 : 11/11/2016 : 2P/5C

Order made in
H.C.P. [MD]. No. 1445 of 2016
Dated: 01.11.2016