



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2016

CORAM:

WEB COPY

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

H.C.P(MD)No.188 of 2016

K.Mahapriya

.. Petitioner

Vs .

1. The Superintendent of Police
Theni District, Theni.
2. The Deputy Superintendent of Police
Theni Sub Division, Theni District
3. The Inspector of Police
Allinagaram Police Station
Theni District
4. The Sub Inspector of Police
Allinagaram Police Station
Theni District
5. Sannasi
Proprietor Vishnu Motors,
Allinagaram, Theni District
6. Vicky
- 7.Thangaprakash

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to produce the body or person of the petitioner's husband, detenu namely, Kalaivanan S/o.Subbaiyan aged about 33 years who has been kept under illegal custody of the respondents 5 to 7 and set him at liberty.

For Petitioner : M/s.A.Kannan

For Respondents : Mr.A.Ramar for R1 to R4
Additional Public Prosecutor
Mr.M.Subash Babu for
Mr.Maharaja for R5 to R7

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

The petitioner is the wife of one Mr.Kalaivanan, S/o.Subbaiyan, aged about 33 years. According to the petitioner, he has been found missing from 02.02.2016 onwards. On a complaint made, a case has also been registered in connection with the same in Crime No.73/2016 for 'man missing'. Since the detenu has not been so far traced out, the petitioner has come up with this petition.

2.We have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 to 4 and the learned counsel for the respondents 5 to 7 and we have also perused the records.

3.A perusal of the record would go to show that a case has been registered in connection with the missing of the petitioner's husband and the same is under investigation. Earlier, this Court issued certain directions to the Superintendent of Police also to take appropriate steps to trace out the detenu. A status report has been filed by the Deputy Superintendent of Police, Anti Land Grabbing Unit, Theni District, wherein, he has stated the steps taken to trace out the detenu. But, according to them, the cell phone of the detenu is not active now and therefore, they find it very difficult to trace him out.

4.At any rate, from the status reports and submissions, it is clear that every effort has been taken to trace out the detenu. In one of the status reports, dated 11.08.2016, the Deputy Superintendent of Police has also stated that the detenu has got a secret SIM Card and cell phone and details regarding the same are being collected. He has further stated that the process of investigation requires one month time to detect his secret cell phone number.

5.In our considered view, since the investigation is taken in a right direction, since we are satisfied with the investigation, there will be no purpose served in keeping the Habeas Corpus Petition pending, except disposing of the same, by issuing a direction to the Deputy Superintendent of Police to investigate the case, to expedite the investigation to trace out the detenu. The petitioner will be at liberty to approach this Court again, after waiting for a reasonable time, if the detenu is not traced out by the police.

With the above observation and direction, this petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The Superintendent of Police
Theni District, Theni.
2. The Deputy Superintendent of Police
Theni Sub Division, Theni District
3. The Inspector of Police
Allinagaram Police Station
Theni District
4. The Sub Inspector of Police
Allinagaram Police Station
Theni District
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/S.A.KANNAN, ADVOCATE IN SR No. 52050
+ 1 CC TO M/S.M.MAHARAJA, ADVOCATE IN SR No. 51906

RR

TE/SKS-RR : 20/09/2016 : 3P/8C

ORDER MADE IN
HCP (MD) No.188 of 2016
12.09.2016