



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2016**

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.224 of 2016

Aarthi

: Petitioner

Vs.

1.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Koodal Pudhur Police Station,
Madurai City, Madurai.

: 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 petitioner's husband, namely Hari Prasath, son of Ramakrishnan, aged about 33 years 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 Mr.Hari Prasath, S/o.Ramakrishnan, aged 33 years. According to the petitioner, Mr.Hari Prasath has been missing from the month of October, 2011. In this regard, a criminal case has also been registered by the second respondent. Since the detenu has not been secured 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 State. We have also perused the records carefully.

3. Today, an additional status report has been filed by the Assistant Commissioner of Police, Tallakulam (L&O) Range, Madurai City. In Paragraph Nos.9 and 10, he has stated as follows:

"9. I humbly submit that the investigation



reveals that the detenu and the petitioner fell in love with each other and got married with the blessings with the elders and at the time of marriage the detenu told that he is a B.E. Degree holder but he did not having B.E. Degree further the detenu did not doing a permanent job and due to these reasons some dispute arose between the petitioner herein and the detenu. And further the detenu cheated Rs.1 1/2 lakh in the Jenni Aqua Water Plant which is owned by one Dhanasamy located at Thanjavur and the petitioner herein only arranged money and settled the dispute. Apart from this the detenu borrowed money from various persons and not able to repay them.

10. I humbly submit that due to the above said problems the detenu escaped from the residence and hide him willfully. Even though the respondent police taking sincere efforts to trace out the whereabouts of the detenu."

4. In view of the additional status report, we are convinced that there is absolutely no illegal detention of the detenu and he has been hiding elsewhere out of fear for the creditors. Therefore, no relief could be granted to the petitioner in this Habeas Corpus Petition, except directing the police to expedite the investigation.

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

Sd/- (CS-I)
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
O/o. The Commissioner of Police, Madurai District, Madurai.
2. The Inspector of Police,
Koodal Pudhur Police Station, Madurai City, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate, SR No.50338

Order made in
H.C.P. (MD) No.224 of 2016
Dated: 06.09.2016