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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.09.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

H.C.P (MD) No.311 of 2016

Madhumathi

.. Petitioner

Vs.

1.The District Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

3.Kaliraj

4.Nagaraj

5.Thilagam

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the petitioner's mother namely Rajendramangalam, Wife of Kaliraj, aged 60 years old woman, before this Court and set her at liberty.

For Petitioner	: Mr.M.Kalamurugappan
For Respondents	: Mr.A.Ramar,
1 and 2	Addl. Public Prosecutor.
For Respondent No.3	: Mr.A.K.Manickam
For Respondents 4 and 5	: Mr.V.Sasikumar

ORDER

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

The petitioner is the daughter of one Mrs.Rajendramangalam, Wife of Kaliraj, aged 60 years. Admittedly, the detinue was mentally ill. She has been missing from 07.05.2002 onwards. But, no complaint whatsoever was made to the police immediately. Complaint was made to the police only on 10.03.2016, upon which, a case has been registered in Crime No.49 of 2016 on the file of the second respondent police for "Woman Missing". Since the missing woman has not been secured, the petitioner has come up with this Habeas Corpus Petition.



2. We have heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the private respondents and we have also perused the records carefully.

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3. A number of status reports have also been filed by the second respondent, detailing the steps taken by the police to trace out the missing woman. They have stated that the efforts are still continuing. In our considered view, in the absence of any explanation as to why no complaint was made for about 15 years, after missing of the woman, it is too difficult for us to issue any direction as prayed for in this petition. We are satisfied that, at this length of time, to the maximum possible efforts are taken by the police to trace out the missing woman. Since we are satisfied that the investigation in the case has taken the right direction and this is not a case of illegal detention, we have no option, except to dismiss the petition, with a direction to the police to expedite the investigation.

4. With the above direction, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Peraiyur Police Station, Madurai District.

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

+1 CC to M/s.A.K.MANICKAM, Advocate, SR No.50834

+1 CC to M/s.M.KALA MURUGAPPAN, Advocate, SR No.50843

ORDER MADE IN
H.C.P(MD) No.311 of 2016
07.09.2016

smn

SH/DB:15.09.2016:2P/6C