



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

WEB COPY THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
H.C.P. (MD) No.1422 of 2017

Murugan : Petitioner

Vs.

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

2.State represented by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the petitioner's wife namely, Latha, W/o.Murugan, aged about 44 years, before this Court and set her at liberty.

For Petitioner : Mr.A.Banumathy

For Respondents : Mr.C.Ramesh

Additional Public Prosecutor

ORDER

[Order of the Court was made by R.SUBBIAH, J]

The present Habeas Corpus Petition has been filed by the husband of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's wife namely, Latha, W/o.Murugan, aged about 44 years, before this Court and set her at liberty.

2.In the affidavit, it has been averred that the petitioner's wife namely, Latha, aged about 44 years, who is the detenu herein and the petitioner had two male children. It is further averred that the detenu was working in S.A.Raja Super Market Godown and on 26.08.2017, the detenu went to the said Super Market and thereafter, she did not return. Immediately, the petitioner sent persons to find his wife at various places, but he could not trace her. Hence, the petitioner lodged a complaint before the second respondent. Since no effective steps have been taken by the second



respondent to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent filed a status report stating that the detenu was found missing from 26.08.2017 and the petitioner lodged a complaint before the second respondent. Pursuant to the said complaint, a case was registered in Crime No.367 of 2017 for 'Woman Missing'. It is further stated that on enquiry it was found that the detenu did not go for work on the date she went missing. Under such circumstances, the respondent police received an information from one Bhagavthiammal, W/o.Subbiah that her husband was working abroad as Coolie and he used to often speak with the detenu over phone, which was intimated to the petitioner and due to which, the petitioner warned the detenu. It is alleged that on 26.08.2017, the said Subbiah came to India and on that day, the detenu was found missing and thereafter, the said Subbiah did not go to abroad. It is further stated that the detenu and the said Subbiah are living somewhere and steps were taken to find out the whereabouts of the missing women. It is further stated that many witnesses were examined about the whereabouts of the detenu and a special team was formed to trace the detenu.

4.In view of the above, since it is a case of elopement and the detenu is a major, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, this Habeas Corpus Petition is closed. However, the respondent police is directed to proceed with the case in Crime No.367 of 2017 in accordance with law.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Kanyakumari,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.BANUMATHY,Advocate,SR.90060

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