



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2017**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD)No.1445 of 2017

Mariamammal

: Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Virudhunagar.

2. The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

3.Bose Rajathi

: 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 1 and 2 to produce the body of the detenu Ravikumar, S/o.Balakrishnan, aged about 27 years, before this Court and set his at liberty.

For Petitioner

: Mr.T.Karthick Raja

For R1 and R2

: Mr.C.Ramesh

Additional Public Prosecutor

For R3

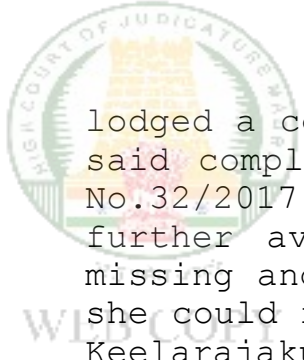
: No appearance

ORDER

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

The present Habeas Corpus Petition has been filed by the wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the detenu Ravikumar, S/o.Balakrishnan, aged about 27 years, before this Court and set him at liberty.

2.In the affidavit filed in support of this petition, it has been averred that the petitioner is the wife of the detenu, viz., Ravikumar, S/o.Balakrishnan, aged about 27 years and the marriage between the petitioner and the detenu was solemnized 18 months back and the petitioner was working as an Electrical Contractor. It is further averred that the detenu developed illegal relationship with the third respondent. From on 08.02.2017, the detenu was found missing. In this connection, the petitioner



lodge a complaint before the respondent police. On receipt of the said complaint, the respondent police registered a case in Crime No.32/2017 and subsequently, the detenu returned home. It is further averred that again on 15.05.2017, the detenu was found missing and the petitioner searched for him at various places, but she could not trace out him. Hence, she lodge a complaint before Keelarajakularaman Police Station, Virudhunagar District on 13.06.2017. Since no effective steps were taken by the respondent police, the petitioner has filed the present Habeas Corpus Petition.

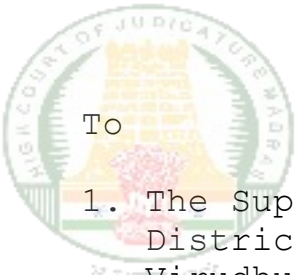
3.Today, when the Habeas Corpus Petition was taken up for consideration, the learned Additional Public Prosecutor filed a status report stating that on 08.02.2017, the petitioner gave a complaint before the second respondent alleging that her husband/detenu was found missing. On receipt of such complaint, the second respondent police registered a case in Crime No.32/2017 on 08.02.2017 for 'Man Missing'. It is further stated that similarly one Muthurakku, also gave a complaint before the second respondent police on 16.02.2017 alleging that the third respondent, who is his wife, was found missing with their two children from 02.02.2017 and a case was registered in Crime No.39 of 2017 for 'Woman Missing'. It is further stated that during the enquiry on 21.02.2017, the third respondent gave a statement that neither the detenu nor any other person abducted her with her children and she voluntarily went along with the detenu to Coimbatore and they got a job in a Spinning Mill and are also leading a live in relationship. Thereafter, the second respondent produced the detenu, third respondent and her children before the Judicial Magistrate, Rajapalayam and the Cr.Nos.32 and 39 of 2017, were closed as 'Action Dropped'. It is further stated that on 29.09.2017 the petitioner approached the second respondent alleging that once again her husband eloped with the third respondent. On receipt of the said complaint, the second respondent police registered a case in C.S.R.No.148/2017 on 29.09.2017.

4.In view of the above, we are of the opinion that the detenu has a habit of missing frequently and hence, we are not inclined to issue any direction to the second respondent police. Hence, this Habeas Corpus Petition is dismissed. However, the second respondent police is directed to investigate the case in C.S.R.No.148 of 2017 and proceed further in accordance with law.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. The Superintendent of Police,
District Police Office,
Virudhunagar.

2. The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

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

+ 1 cc TO Mr.T.Karthick Raja , Advocate in SR No. 88590

Ns

AE/SKN RSK/SAR1/15.12.2017/3P/5C

Order made in
H.C.P. (MD) No.1445 of 2017
Dated: **22.11.2017**