



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.(MD)No.1478 of 2017

Vijayalakshmi

: Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Virudhunagar Bazar Police Station,
Virudhunagar 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 2nd respondent to produce the body or person of the petitioner's husband namely Arumugam, S/o.Velusamy, aged about 45 years, before this Court and set him at liberty.

For Petitioner

: Mr.M.Subash Babu

For R1 and R2

: 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 wife of the detenu, seeking a Writ of Habeas Corpus, directing the second respondent to produce the body or person of the petitioner's husband namely Arumugam, S/o.Velusamy, aged 45 years, before this Court and set him at liberty.

2.In the affidavit, it has been averred that the marriage between the petitioner and the detenu was solemnized in the year 2004 and due to wedlock, she gave birth to one male child and the detenu is suffering from Tuberculosis Bacteria (TB), due to which, he is residing far away from the petitioner and he is doing business in Virudhunagar and the petitioner is residing in her parental home at Madurai. It is further averred that every Saturday and Sunday the detenu used to come the petitioner's house and leave to Virudhunagar on Monday Morning. While so on 31.12.2017, on the petitioner contacted the detenu through phone, the mobile phone was switched off. Immediately, the petitioner searched for her husband at various place, but she



could not trace him. Hence, the petitioner made a complaint before the second respondent. Pursuant to the said complaint, the second respondent registered a case in Crime No.771 of 2017 for 'Man Missing'. Since no effective steps have been taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.Today when the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that on investigation, it was found that the detenu was murdered by one Senthilkumar along with David, Selva Anand @ Prakash and Karuppasamy and therefore, the FIR was altered into Sections 302 and 201 IPC.

4.In view of the submission made by the learned Additional Public Prosecutor, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Virudhunagar District.

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

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

+1cc to Mr.M.SUBASH BABU,Advocate,SR. 93529

Order made in
H.C.P. (MD) No.1478 of 2017
Dated:
18.12.2017

NS

KK/SV MMS/SAR 2/11.01.2018/ 2P- 5C/