



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1492 of 2017

P.Sathya

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.

2.The Sub-Inspector of Police,
Thuraiyur Police Station,
Tiruchirappalli District.

3.Devendra Kumar

4.Ramesh

5.Ruthra Devi

6.Om Prakash

.. Respondents

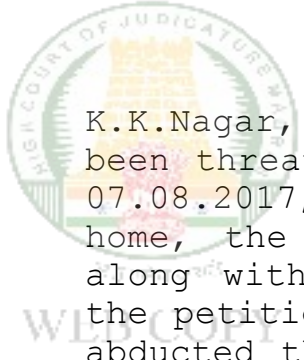
PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the first and second respondents to produce the petitioner's husband Mr.Kivaraj, aged about 29 years, who is illegally confined by the respondents 3 to 5 herein, before this Court and set him at liberty.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For respondents 1 & 2 : Mr.C.Ramesh,
Addl. Public Prosecutor
For respondents 3 to 6 : No appearance

ORDER

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

The detenu is the husband of the petitioner viz., Kivaraj, aged about 29 years. In the affidavit, it has been stated that the petitioner loved each other and married, without the consent of the family members of the detenu viz., respondents 3 to 5, on 04.04.2017 in the Sub-Registrar Office at



K.K.Nagar, Tiruchirapalli. Therefore, the respondents 3 to 5 have been threatening the detenu with dire consequences. While so, on 07.08.2017, the petitioner had gone to work and when she returned home, the detenu was found missing. Therefore, the petitioner along with his relatives searched for the detenu. Subsequently, the petitioner came to know that the respondents 3 to 6 illegally abducted the detenu. Therefore, she lodged a complaint. As there was no response to the same, she has come up with this petition.

2.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor produced a status report, wherein it is stated that based on the complaint given by the petitioner, a case was registered in Crime No.441 of 2017 for "man missing" and the second Police examined as many as 16 persons and recorded their 161(3) Statements. It is also stated in the status report that due to misunderstanding between the petitioner and the detenu, the detenu left home on his own accord and went to his native place at Nundavayil, Rajasthan and suppressing the above said facts, the petitioner herein has filed this petition.

3.The learned counsel for the petitioner submitted that it is the respondents 3 to 6 who forcibly taken the detenu to Rajasthan and are keeping the detenu in their illegal custody. It is incorrect to state that due to matrimonial dispute, the detenu went to his native place at Rajasthan. He insisted to give a direction to the respondent Police to produce the detenu.

4.Considering the factual aspect of this case and also the status report of the respondent Police, we are not inclined to issue any direction, as prayed by the learned counsel for the petitioner. However, this Court is inclined to issue the following direction:

The respondent Police shall proceed with the investigation in Crime No.441 of 2017 in accordance with law and complete the same as early as possible.

5. This Habeas Corpus Petition is, accordingly, closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
O/o.Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.



2.The Sub-Inspector of Police,
Thuraiyur Police Station,
Tiruchirappalli District.

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

+1cc to M/S.D.Shanmugaraja Sethupathi, Advocate SR.No. 91085

Order made in
H.C.P.[MD].No.1492 of 2017
Dated: 05.12.2017

gcg
JM/KK/SAR 1/10.01.2018/2P/5C