



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No.1642 of 2017

Pandiammal : Petitioner
vs.

State rep. by

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

2. The Inspector of Police, (Circle)
T.Ramanathapuram Police Station,
Madurai 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 detenu namely, Boopathy Raja son of Pandi aged 35 years before this Court and set him at liberty.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.C.Mayilvahana Rajendran
for R1 & R2 Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, viz., Boopathy Raja aged 35 years. It is averred in the petition that her husband was found missing from October 2017. Since his whereabouts were not known, she has preferred a complaint before the respondent police on 01.11.2017. However, since no steps were taken, she is before this Court with this petition.

2. When the matter was taken up for consideration, the respondent police has filed a status report contending that this is the second Habeas Corpus Petition. Earlier the petitioner



lodged a complaint with the respondent police on 08.09.2017 and a case was registered in Crime No.68/2017 for man missing and on investigation, they came to know that the detenu eloped with one Jeyarani. The petitioner filed HCP(MD) No.1382/2017 before this Court stating that the detenu has not been traced and on 21.09.2017, the detenu has been produced before this Court by the respondent police and this Court closed the said Habeas Corpus Petition, since the detenu agreed to go along with the petitioner. Again the petitioner lodged a complaint in the month of October 2017 stating that the detenu was again found missing. It is further stated that by suppressing the earlier Habeas Corpus Petition, the petitioner had filed this present petition.

3. It is seen from the status report filed that the petitioner's husband/detenu is in the habit of frequently eloping with one Jeyarani and in the earlier occasion also, the police had searched and produced him before this Court and this time also the petitioner had approached this Court for the production of the detenu/husband. Therefore, the respondent police cannot be directed again and again to secure the detenu, when it is a clear case of elopement. Since the petitioner has not approached this Court with clean hands and approached this Court by suppressing the earlier petition, we are not inclined to entertain this petition. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Superintendent of Police Office,
Madurai District
2. The Inspector of Police, (Circle)
T.Ramanathapuram Police Station,
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

RR

AE/KK/SAR1/18.12.2017/2P/4C

Order made in
H.C.P. (MD) No.1642 of 2017
Dated: 10.11.2017