



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.(MD)No.989 of 2017

S.Victoria Mary

: Petitioner

Vs.

1.The Superintendent of Police,
Trichy,
Trichy District.

2.The State rep by
The Inspector of Police,
Woraiyur Police Station,
Trichy.

: 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 herein to produce the body or person of the detenu of the petitioner's husband namely, Selvaraj, S/o.Anthony Muthu, before this Court and set him at liberty.

For Petitioner

: Mr.S.T.Sasidharan Tamilkani

For Respondents

: Mr.C.Ramesh

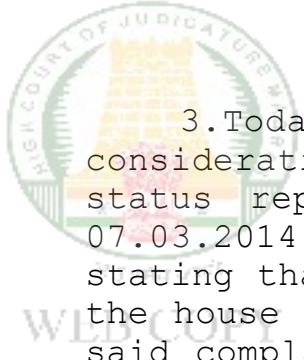
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition has been filed by the wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the body or person of the detenu namely, Selvaraj, S/o.Anthony Muthu, before this Court and set him at liberty.

2.In the affidavit, it has been averred that the petitioner is the wife of the detenu namely, Selvaraj and the petitioner is having two sons and one daughter. It is further averred that the detenu was working as a Watchman in Tamil Nadu Water Board and due to family problem, the detenu was in depression. It is alleged that on 07.03.2014, the detenu went to the shop and thereafter, he did not return. Immediately, the petitioner searched for her husband at various places, but she could not trace him. Hence, the petitioner made a complaint before the second respondent on 01.04.2017, pursuant to which, the second respondent police registered a case in Crime No.529 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 Habeas Corpus Petition was taken up for consideration, the learned Additional Public Prosecutor filed a status report stating that the detenu was found missing from 07.03.2014 and a complaint has been lodged by the petitioner stating that the detenu is of unsound mind and frequently, he left the house and returned back after several months. Pursuant to the said complaint, a case was registered in Crime No.529 of 2017 for 'Man Missing'. 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.It is seen that though the detenu was missing from 2014, the petitioner has lodged a complaint after a period of three years and the respondents are also taking sincere efforts to trace the detenu.

5. In view of the above, it is not necessary to keep this petition pending. Hence, the Habeas Corpus Petition is closed. However, this Court directs the respondent police to proceed with the case in Crime No.529 of 2017 in accordance with law.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Trichy,
Trichy District.
- 2.The State rep by
The Inspector of Police,
Woraiyur Police Station,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P. (MD) No.989 of 2017
Dated: 30.11.2017

Ns
JM/SV MMS/SAR 4/08.01.2018/2P/4C