



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P(MD)No.1403 of 2016

M.Priya

... Petitioner

-vs-

1. The Superintendent of Police,
Nagercoil, Kanyakumari District.

2. The Inspector of Police,
Vadasery Police Station,
Vadesary, Nagercoil,
Kanyakumari District.

... Respondents

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, directing the second respondent herein to find out and produce the person or body of petitioner's husband, J.Inigo, aged 34, S/o. JeyaThilak Ray, before this Court and set him at liberty in accordance with law.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.C.Ramesh

Additional Public Prosecutor

O R D E R

(Order of the Court was made by **M.M.SUNDRESH, J**)

The petitioner is the wife of the detenu. This habeas corpus petition has been filed on the premise that the detenu is missing from the year 2015 onwards.

2.The learned Additional Public Prosecutor on instruction submitted that the petitioner's complaint has been registered in Crime No.589 of 2016, on the file of the Vadaseri Police Station. Earlier, there appears to be a dispute between the petitioner and her husband, namely, the detenu and she gave a complaint in C.S.R.No.228 of 2015, which was closed based on the statement given by the detenu that he will live with her. The statement obtained from the mother of the detenu would show that there was a matrimonial discord between the petitioner and her husband. The mother of the detenu stated that the detenu left the petitioner on his own and his whereabouts is not known. Considering the above,



we are not inclined to allow this petition as it appears from the record, the detenu has left the matrimonial home in view of the misunderstanding between the petitioner and him. The case was registered in Crime No.589 of 2016.

3. The learned counsel for the petitioner submitted that investigation is not progressing and the petitioner does not have any confidence in the investigation officer.

4. Considering the said statement, without going into the merits of the said allegation made, taking note of the fact that the petitioner is an illiterate lady living with her minor child, we transfer the investigation to be done by the Inspector of Police, Kottar Police Station, Nagercoil and the investigation shall be monitored by the first respondent.

5. With the above direction, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
Vadasery police Station,
Vadesary, Nagercoil,
Kanyakumari District.
3. The Inspector of Police,
Kottar police Station,
Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.SUNDARAVATHANAM, Advocate, SR No. 63385.

MRN

PSM/SV/SAR1/11.07.2017/2P/6C