

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.165 of 2019

S.Riswana ... Petitioner

-vs-

State rep by the Inspector of Police,
Sipcot Police Station,
Vellore District
(Cr.No.366 of 2018) ... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondent herein to produce the body and person of the detenu S.Sadique Basha, S/o.Sheik Babu (36 years) before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.M.Duraimurugan
For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.Sathyannarayanan, J.]

The petitioner is the wife of the detenu viz., S.Sadique Basha, aged about 36 years and according to the petitioner, her husband was employed in a Shoe Company in SIPCOT. The petitioner would state that one Anandhan and Dharani was running a drama company at Arani, wherein the detenu had invested Rs.1,25,00,000/- and for that purpose, the detenu had borrowed a sum of Rs.30,00,000/- from one Mr.Ravi and for security, he had handedover the title deeds pertaining to the house. It is further alleged by the petitioner that Anandhan and Dharani also owe some money to her husband and when they went and demanded the amount, they did not oblige and when her husband stated that he will lodge a police complaint, Anandhan and Dharani promised to return the amount.

2. The petitioner would further state that on 13.10.2018, her husband left the house for getting the amount from Anandhan and Dharani and however, he did not return and hence, she lodged a complaint to the respondent police, based on which a case in Crime No.366 of 2018 came to be registered for "Man Missing". The grievance expressed by the petitioner is that though the F.I.R. came to be registered as early as on 17.10.2018, no steps have been taken to secure her husband and no effective investigation has been done and therefore, came forward to file this Habeas Corpus Petition.

3. In the light of the fact that a mention was made that the detenu has been secured, this matter was taken up today. The detenu was produced before this Court and he was enquired into, wherein he would state that he incurred heavy debt and was threatened to part with the property and therefore, he left the home on his own volition. The wife of the detenu was also enquired into.

4. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's husband was running an unauthorized chit and collected amounts to the tune of more than Rs.2 Crores and the depositors had also lodged a complaint and anticipating trouble, he absconded himself and thereby, evaded from the arms of justice.

5. In the light of the fact that the detenu, on his own volition, left the company of the petitioner and he has also been secured and produced before this Court, where he has stated the reasons for leaving away from the company of his wife/petitioner, this Court is of the considered view that no further orders are necessary.

6. Hence, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

1.The Inspector of Police,
Sipcot Police Station,
Vellore District

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Duraimurugan, Advocate, S.R.No. 11604

H.C.P.No.165 of 2019

RSI (CO)
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