

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.1873 of 2019

Amuthavalli
W/o.Kandhasamy

... Petitioner/Wife of the Detenue

Vs

1.State by
Inspector of Police,
Villupuram Town Police Station,
Villupuram.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.Kannammal
W/o.Veerappan

4.Prabhu
S/o.Veerappan

5.Vinoth
S/o.Veerappan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents 1 and 2 to produce the petitioner's husband viz., Kandhasamy, aged 35 years, before this Court, who is in the illegal custody of respondents 3 to 5 and set him liberty.

For Petitioner : Mr.R.Arundattan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor [R1 & R2]

O R D E R

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

Petitioner, who is the wife of the detenu, viz., Kandhasamy, aged about 35 years, has filed this petition seeking a direction to respondents to cause production of the detenu before this Court, who is in the illegal custody of respondents 3 to 5 and set him at liberty.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents 1 and 2. Perused the materials on record.

3. Learned counsel for petitioner submits that petitioner is the wife of the detenu and out of the wedlock, two children were born, aged 8 years and 4½ years respectively. Learned counsel submits that the fourth respondent along with respondents 3 and 5 used to threaten and quarrel with the detenu in respect of grabbing a valuable property. In such circumstance, suddenly the detenu went missing from 15.04.2019. After searching for the detenu with the relatives and friends, petitioner lodged a complaint before the first respondent alleging that respondents 3 to 5 could have kidnapped the detenu. Since no action has been taken, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents 1 and 2, relying on the status report filed by first respondent, submits that the detenu borrowed money from several persons and defaulted in repayment. Despite sincere efforts by respondents 1 and 2, the detenu could not be traced. Since the detenu is having great faith in God, he would have gone to some devotional place. Investigation is proceeding in the proper direction and the detenu could be traced as soon as possible.

5. This Court has considered the rival submissions.

6. Taking into consideration the status report filed by first respondent and the submission of learned Additional Public Prosecutor, this Court is of the view that there is no necessity to keep the present petition pending.

Accordingly, the Habeas Corpus Petition is closed with a direction to respondents 1 and 2 to expedite the investigation and secure the detenu at the earliest.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

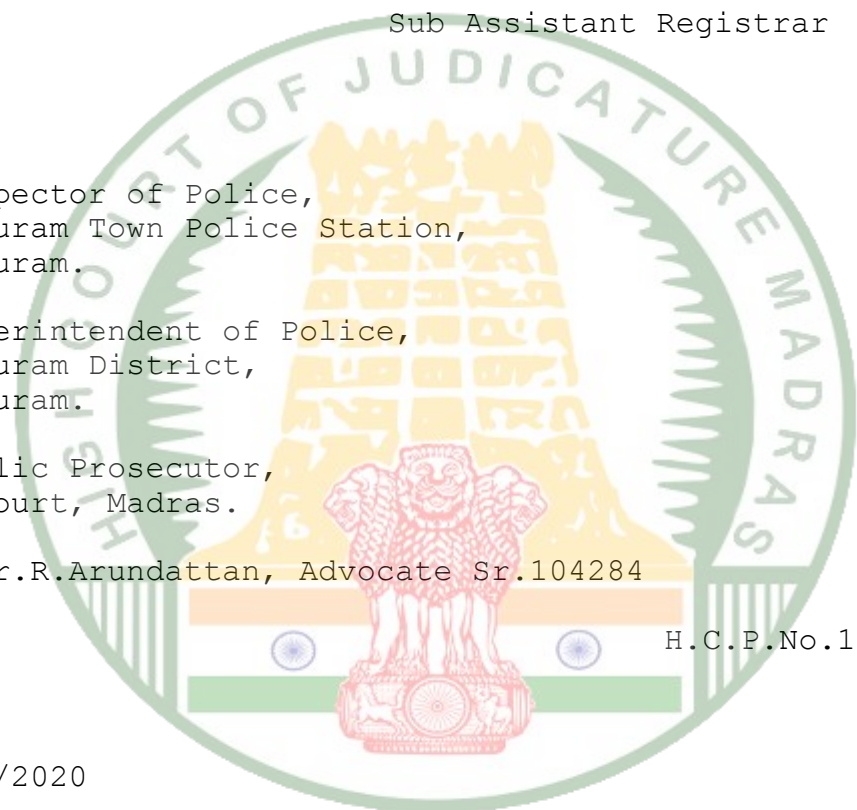
2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Arundattan, Advocate Sr.104284

H.C.P.No.1873 of 2019

spd[col]
srg 28/01/2020

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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