



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P.(MD) No.117 of 2019

R.B.Selvakumari

... Petitioner

-vs-

1.The Superintendent of Police
Kanyakumari District

2.The Inspector of Police
Vadaseri Police Station
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents herein to produce the body or person of petitioner's husband "I.Sivarajan", S/o.Iyyappan, aged 39 years, before this Court and set him at liberty.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by B.PUGALENDHI, J.]

Today, Mr.F.Bernard Xavier, Inspector of Police, Vadaseri Police Station, Kanyakumari District, is present.

2. This habeas corpus petition is filed by the petitioner for issuance of a writ of habeas corpus to the respondent - Police to produce the person or body of her husband, namely, Sivarajan, aged about 39 years, before this Court.

3. According to the petitioner, her husband Sivarajan went missing from November, 2018 and for which on 05.01.2019, she has lodged a complaint and based on the said complaint, the respondent - Police have registered a case in Crime No.49 of 2019 for man missing.



4. According to the respondent - Police, investigation in Crime No.49 of 2019 is in progress and the petitioner is not cooperating for the enquiry.

5. It is seen that, even as per the complaint, there is no allegation that the petitioner's husband is in the illegal detention of anybody. Hence, a writ of habeas corpus cannot be issued. Under such circumstances, the habeas corpus petition is closed with a direction to the second respondent to complete the investigation in Crime No.49 of 2019 and keep the petitioner informed of the developments, if any, from time to time.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.RAMASAMY, Advocate, SR.No. 47847

H.C.P. (MD) No.117 of 2019

KRK

KK/SAR-/14.03.2019/2P-5C