



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM:

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

H.C.P.(MD) No.257 of 2019

Rajeswari

... Petitioner

**-vs-**

1. The Superintendent of Police  
Virudhunagar District  
Virudhunagar

2. The Inspector of Police  
All Women Police Station  
Virudhunagar  
Virudhunagar District

3. Madurai Pandian  
4. Pandiselvi  
5. Seeniammal  
6. Kodilingam

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or the person of the petitioner's husband, the detainee namely Balasubramanian, son of Madurai Pandian, aged about 27 years before this Court and set him liberty.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor for R1 & R2

**O R D E R**

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

It is the case of the petitioner that her husband Balasubramanian went missing two years back and no steps have been taken by the Police to trace him. Under such circumstances, the petitioner has filed the present habeas corpus petition.

2. Today, Ms.R.Chithirai Selvi, Sub Inspector of Police, All Women Police Station, Virudhunagar, is present.



3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner hails from Mannarkottai, Virudhunagar District and she has got married to Balasubramanian, who hails from Kumbakonam, Thanjavur District.

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4. The learned Additional Public Prosecutor also submitted that the petitioner gave a complaint dated 02.10.2018 alleging that her husband, who had gone to Kumbakonam, did not return. On the complaint, the Inspector of Police, All Women Police Station, Virudhunagar, registered C.S.R.No.349 of 2018 and conducted enquiry. During the course of enquiry, it came to light that Balasubramanian's father, Madurai Pandian, has also given a complaint in Kumbakonam South Police Station alleging that his son was missing. However, no F.I.R. was registered by Kumbakonam South Police Station and the complaint given by Balasubramanian's father has also been referred to the second respondent. Thus, it appears that Balasubramanian is missing for the last two years and both his wife as well parents are looking out for him. However, neither the second respondent nor the Inspector of Police, Kumbakonam South Police Station have registered any F.I.R. for man missing.

5. Under such circumstances, we direct the second respondent to transfer the entire file in C.S.R.No.349 of 2018 to the file of the Inspector of Police, Vachakkarapatti Police Station, Virudhunagar District and on such transfer, the Inspector of Police, Vachakkarapatti Police Station, Virudhunagar District, is directed to register a regular F.I.R. for man missing and conduct investigation and keep the petitioner as well the parents of Balasubramanian informed of the developments, if any.

6. With the above directions, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

**To:**

1. The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.
2. The Inspector of Police,  
All Women Police Station,  
Virudhunagar,  
Virudhunagar District.



3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Copy To :-**

1. The Inspector of Police,  
Vachakkarapatti Police Station,  
Virudhunagar District.
2. The Inspector of Police,  
Kumbakonam South Police Station,  
Thanjavur District.

+1 CC to M/s.C.JEYAPRAKASH, Advocate (SR-55479[F] dated 20/03/2019)

KRK

TE/KM : 03/04/2019 : 3P/7C

H.C.P.(MD) No.257 of 2019  
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