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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD) No.419 of 2019

P.Kamaraj

...Petitioner

Vs.

- 1.The Superintendent of Police,
Theni District.
- 2.The Sub Inspector of Police,
Gudalur North Police Station,
Theni District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the Respondents to produce the body or person of the detainee, petitioner's wife namely Sudha W/o. P.Kamaraj, aged about 35 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.P.Guna Sekaran

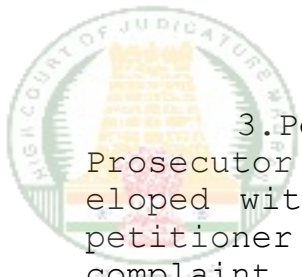
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The petitioner is the husband of Sudha, who is aged about 35 years and according to him out of wedlock two children were born to them and the eldest daughter has already been given in marriage and the son is pursuing his studies. The petitioner further states that on 02.10.2018 she went out on the pretext of going to a temple, but she did not return and the efforts made by him to trace the detainee has also ended in futile. The petitioner also later on found that the detainee has taken away a sum of Rs.1,75,000/- and since the petitioner is very much concerned with the safety and well being of his wife, he has come forward to file the present habeas corpus petition.

2.The learned counsel for the petitioner would submit that though the complaint of the petitioner made out a commission of cognizable offence for the reason that a sum of Rs.1,75,000/- was taken away, F.I.R. is yet to be registered and hence, he prays for appropriate action.



3.Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State would submit that the detenue has eloped with one Shivakumar and an enquiry was conducted with the petitioner and the petitioner did not choose to prosecute the complaint.

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4.This Court has considered the rival submissions and also perused the materials placed before it.

5.Though the detenue is a married women and having two full grown up children, *prima facie* she appears to have eloped with somebody and as such this Court is not in a position to come to the aid of the petitioner. However, taking to account the grievance exhibited by the petitioner, the second respondent police is directed to act on the complaint of the petitioner in accordance with law and as and when the detenue is traced, she shall be produced before the jurisdictional Magistrate Court for passing appropriate orders as to her custody.

6.The Habeas Corpus Petition is dismissed with the above observations.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Theni District.
- 2.The Sub Inspector of Police,
Gudalur North Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CS: (18/06/2019) 2P 4C