



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.473 of 2019

J.Amaravathi

... Petitioner

Vs.

1.State rep. by

The Superintendent of Police,  
Sivagangai District,  
Sivagangai.

2.State rep. by

The Inspector of Police,  
SIPCOT Police Station,  
Sivagangai 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 No.1 and 2 to produce the person or body of the detainee namely Shanthi Prabhavathi, W/o. Kalaivanan, aged about 22 years, daughter-in-law of the Petitioner before this Hon'ble Court and set her at liberty.

For Petitioner

: Mr.K.Sanjai Gandhi

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 mother-in-law of the detainee viz., Shanthi Prabhavathi, W/o.Kalaivanan, aged about 22 years, and according to her, the detainee got married to her son about four years back and she went out on 25.05.2019 for purchase of dress, but did not return and apprehending about the safety, wellbeing and whereabouts of the detainee the petitioner has lodged a complaint and based on which a case has been registered in Crime No.74 of 2019 on the file of the second respondent for women missing.

2.The learned counsel for the petitioner would submit that her son/ husband of the detainee is employed in Andhra Pradesh and therefore, he could not come over to file this Habeas Corpus



Petition and hence, the petitioner is constrained to file the same.

3.Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State on instruction would submit that the detenue has eloped with one Vijaya Bhaskar and the investigation is on and as when the detenue is traced, she will be produced before the Court of jurisdictional Magistrate for passing appropriate orders.

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

5.A perusal of the complaint of the petitioner to the second respondent would disclose that the detenue while leaving the matrimonial home has removed the Mangalya Soothra and had taken away the jewels and it appears to be a case of elopement. Therefore, the second respondent is directed to continue the investigation of the case in a fair and impartial manner and as and when the detenue is traced, she shall be produced before the jurisdictional Magistrate Court for passing appropriate orders and the progress made in the investigation shall also be informed to the petitioner.

6.The Habeas Corpus Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS )

sj

TO

1.The Superintendent of Police,  
Sivagangai District,  
Sivagangai.

2.The Inspector of Police,  
SIPCOT Police Station,  
Sivagangai District.

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

+1cc to M/S. R.SHANKAR GANESH, Sr.No.68166

**H.C.P(MD)No.473 of 2019**

**12.06.2019**