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**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT
DATE : 14.06.2019**

CORAM

**THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 505 OF 2019

Archana

.. Petitioner

- Vs -

1. The Superintendent of Police
Madurai District, Madurai.

2. The Inspector of Police
K.Pudur Police Station
K.Pudur, Madura 625 020.

3. Lorenz D.Costa

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents 1 and 2 to secure the body or person of the detenu, viz., L.Robin De Costa, S/o Lorenz D.Costa, aged about 29 years and produce him before this Hon'ble Court and set him at liberty.

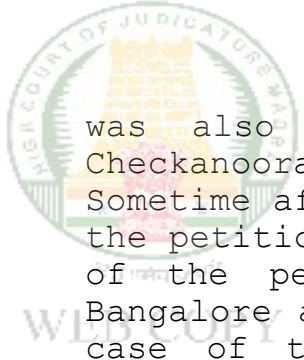
For Petitioner : Mr. J.Lawrance

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the wife of the detenu, viz., Robin D.Costa and according to her, both of them loved each other and accordingly, with the consent of the elders of the family, marriage was solemnized on 4.9.16 at Madurai and it is an inter-religious marriage and it



was also registered at the Office of the Sub Registrar at Checkanoorani, Madurai vide Special Marriage No.1/2017 on 15.3.17. Sometime after the marriage, there was difference of opinion between the petitioner and the detenu and it was also solved and the husband of the petitioner, on the pretext of his avocation, went to Bangalore and abruptly stopped contacting her. It is the specific case of the petitioner that her husband is under the illegal custody/detention of her in-laws, viz., the private respondent and despite a complaint lodged in this regard, no action is being taken by the 2nd respondent and, hence, the petitioner has come forward with the present petition.

2. Heard the learned counsel appearing for the petitioner and Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice on behalf of respondents 1 and 2 and on instructions submits that based on the complaint given by the petitioner, a case in Crime No.267/2019 was registered for 'Man Missing' and investigation is going on.

3. In the light of the above facts and circumstances, this Court is of the prima facie view that the detenu may not be in illegal custody/detention of the in-laws of the petitioner. However, taking into consideration the anxiety exhibited by the petitioner as to the whereabouts, well being and safety of her husband, viz., the detenu, this Court directs the 2nd respondent to conduct fair investigation and also expedite the investigation and in the event of the detenu being traced, he shall be produced before the jurisdictional Magistrate for passing appropriate orders. The 2nd respondent shall also periodically inform the progress made in the investigation, to the petitioner.

4. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Superintendent of Police
Madurai District, Madurai.

2. The Inspector of Police
K.Pudur Police Station
K.Pudur, Madurai 625 020.



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

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BUC (27/06/2019) 2P/4C