



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.565 of 2019

K.Muthukumari

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Assistant Commissioner of Police,
City Crime Branch,
Palam (Junction) Police Station,
Nellai City.

3.The Inspector of Police,
Keelachevalpatti 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 2 to 3 to produce the body or person of Petitioner's husband namely Mr.Kalidasu, aged about 46 years, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Kalidasu, aged about 46 years and alleging his illegal custody and detention at the hands of the respondents 2 and 3, came forward to file this Habeas Corpus Petition.

2.Mr.R.Venkatesan, learned counsel appearing for the petitioner would submit that respondents 2 and 3 by resorting to illegal methods and taking law into their hands, suddenly barged into the premises of the petitioner and has taken the custody of the petitioner's husband and the whereabouts of her husband was not informed to her for the past four days and the petitioner, who is very much concerned with the wellbeing and whereabouts of her husband, constrained to approach this Court with this Habeas Corpus Petition.



3. Mr. K. Dinesh Babu, learned Additional Public Prosecutor accepts notice on behalf of the respondents and on instructions would submit that based on the complaint of one Suresh Kumar, a case in Crime No. 11 of 2019 was registered by the second respondent against Thiruvallur (1) A.M. Moorthy, (2) Balasubramanian and (3) Prabhu alias Kalidass, Madurai (the detenu herein) for the commission of offence under Sections 417, 418, 420, 465 and 468 I.P.C. and the detenu was arrested and produced before the Court of Judicial Magistrate No. 1, Tirunelveli on 25.06.2019 and he was remanded to judicial custody.

4. In the light of the above said submission, this Court is of the view that as on the date of moving the Habeas Corpus Petition for admission, the detenu is in custody pursuant to the valid order of remand and it is always open to the petitioner as well as the detenu to work out their remedy before appropriate forum.

5. The Habeas Corpus Petition is dismissed subject to the above observations.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS-)

sj

To

1. The Superintendent of Police,
Sivagangai District.
 2. The Assistant Commissioner of Police,
City Crime Branch,
Palam (Junction) Police Station, Nellai City.
 3. The Inspector of Police,
Keelachevalpatti Police Station,
Sivagangai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 cc to M/s. Right Law Associates, Sr.No. 71934

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