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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.03.2019**

CORAM:

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

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI
H.C.P. (MD) No.7 of 2019**

Rathinam Chettiar

... Petitioner

-vs-

1.The Superintendent of Police
Office of the Superintendent of Police
Ramanathapuram District

2.The Inspector of Police
Bazaar Police Station
Vandikkaratheru
Ramanathapuram

3.The Inspector of Police
Kenikarai Police Station
Kenikarai
Ramanathapuram District

4.Yowan

5.Shafi M.Paul

6.Srinu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents No.1 to 3 to secure the body or person of the Detenues namely Santhamoorthi, S/o.S.Subramaniam aged about 47 years and Dhanaselvi, W/o.Santhamoorthi aged about 40 years from the hands of the Respondents Nos.4 to 6 herein and produce them before this Court and set them at liberty.

For Petitioner: Mr.G.Kannan

For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor for R1 to R3
No appearance for R4 to R6

**ORDER**

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

Today, Mr.M.Kalaiarasan, Inspector of Police, Kenikarai Police Station, Ramanathapuram District, is present.

2. On 06.02.2019, this Court passed the following orders:

"Mr.K.Nanthakumar, Sub-Inspector of Police, Kenikarai Police Station, Ramanathapuram, is present.

2. On instructions, the learned Additional Public Prosecutor submitted that the detenu Santhamoorthi was arrested by the Inspector of Police, Tadepalligudem Rural Circle, in Crime No.187 of 2018 and produced before the learned II Additional Judicial Magistrate of First Class, Tadepalligudem, on 20.12.2018 and has been remanded to judicial custody. As regards his wife Dhanaselvi is concerned, she is not in the detention of the Tamil Nadu Police and it is not known whether she is in the illegal custody of Andhra Pradesh Police.

3. The learned Additional Public Prosecutor further submitted that on the complaint lodged by the petitioner, a case in Kenikarai Police Station Crime No.35 of 2019 has been registered on 03.02.2019 for woman missing and steps are being taken to trace the detenu Dhanaselvi. However, the respondent - Police also suspects the involvement of Dhanaselvi along with her husband Santhamoorthi, which has been investigated by Andhra Pradesh Police.

4. Be that as it may, the respondent - Police is directed to proceed with the investigation in Crime No.35 of 2019 to locate Dhanaselvi and work in co-operation with Andhra Pradesh Police in this regard. In the event of Dhanaselvi being arrested and remanded by either Andhra Pradesh Police or by Tamil Nadu Police, she may be produced before the concerned Magistrate and the fact may be reported to this Court.

5. Post on 06.03.2019."

3. Today, the respondent - Police produced the detenu - Dhanaselvi before this Court. When we enquired her, she stated that she went to her maternal uncle's house in Madurai and she came to know that her husband has been remanded on the orders of the Magistrate at Andhra Pradesh.



4. Since Dhanselvi is not in the illegal custody of anyone, the habeas corpus petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (AD I)

Sub Assistant Registrar (CS)

To:

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Bazaar Police Station,
Vandikkaratheru,
Ramanathapuram.
3. The Inspector of Police,
Kenikarai Police Station,
Kenikarai,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.7 of 2019
06.03.2019

KRK

KK/SAR-/25.03.2019/3P-5C