



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P. (MD) No. 1771 of 2018

Deivendiran : Petitioner
Vs.

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

2. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's wife, the detenu namely, Kalaiselvi D/o. Kubendran, aged about 34 years before this court and set her at liberty.

For Petitioner : Mr. A. Balamurugan
For Respondents : Mr. V. Neela Kandan,
Additional Public Prosecutor.

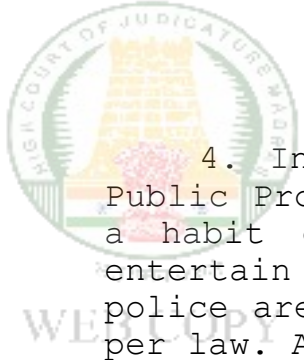
ORDER

[Order of the Court was made by **R. SUBBIAH, J**]

This Habeas Corpus Petition has been filed seeking a direction to the respondents to produce the detenu namely, Kalaiselvi D/o. Kubendran, aged about 34 years before this court and set her at liberty.

2. The petitioner is the husband of the detenu. The case of the petitioner is that his wife namely, Kalaiselvi went missing from 03.11.2018. In order to trace her, the petitioner made enquiries with the neighbours. But, he failed in his attempts. Hence, he lodged a complaint before the respondent police. Since no effective steps have been taken by the respondent police, the petitioner has filed this Habeas Corpus Petition.

3. When the matter is taken up for consideration, it is represented by the learned Additional Public Prosecutor appearing for the respondents that the petitioner's wife went missing on 18.09.2018 and he filed H.C.P(MD) No. 1469 of 2018. But subsequently, in view of the endorsement made by the learned counsel for the petitioner, the said Habeas Corpus Petition was dismissed as withdrawn on 10.10.2018 and again, she went missing. Based on the complaint given by the petitioner, the respondent police has registered a case in Crime No. 393 of 2018.



4. In view of the submission made by the learned Additional Public Prosecutor, we are of the opinion that the detenu is having a habit of frequent elopement. Hence, we are not inclined to entertain this Habeas Corpus Petition. However, the respondent police are directed to proceed with the case registered by them as per law. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar (CS)

CM

To

1. The Superintendent of Police, Dindigul District, Dindigul.
2. The Inspector of Police, Batlagundu Police Station, Dindigul District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Order made in
H.C.P. (MD) No. 1771 of 2018
Dated: 07.01.2019

TR (04.04.2019) 2P 4C