



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P.(MD) No.1612 of 2018

A.Arul Kumar

... Petitioner

-VS-

1.The Superintendent of Police
O/o.the Superintendent of Police
Dindigul District, Dindigul

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

3.Karthiban

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the First and Second Respondents to produce the bodies or persons of the Detenues namely Anushya, D/o.Muthupandi aged about 29 years, who is wife of the Petitioner and two minor son and daughter namely Minor Asmitha, D/o.A.Arul Kumar, aged about 5 years and Minor Prasanna, S/o.A.Arul Kumar, aged about 4 years, before this Court and set them at liberty and hand over the custody of two minor children to the petitioner.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

Today, Mr.Jastin Prabakar, Deputy Superintendent of Police, District Crime Branch Rural (In-charge), and Mr.T.Rajendran, Inspector of Police, Ambadurai Police Station, Dindugul District, are present.

<https://hcservices.ecourts.gov.in/hcservices/>

2. It is the case of the petitioner that his wife Anushya, aged



about 29 years, went missing since 22.02.2018 along with two children, by name, Asmitha (aged about 5 years) and Prasanna (aged about 4 years) and therefore, the present habeas corpus petition has been filed.

3. On instructions, the learned Additional Public Prosecutor submitted that the Police found Asmitha, who was abandoned, in Dindugul Bus Stand and she has now been handed over to her maternal grandparents in Chettiampatti Village, which fact the petitioner is also aware. However, the Police are taking steps to trace the whereabouts of Anushya and the minor children. It is also represented that Anushya had developed illegal intimacy with one Karthiban and eloped with him. Since the alleged detenu is not in the illegal detention of anyone, no writ of habeas corpus can be issued. Hence, the habeas corpus petition is closed with a direction the Deputy Superintendent of Police, Dindugul Rural Sub-Division, to monitor the investigation in Ambadurai Police Station Crime No.148 of 2018 that is being conducted by the Inspector of Police and keep the petitioner informed of the developments, if any, from time to time.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Deputy Superintendent of Police,
Dindugul Rural Sub-Division,Dindigul District.
 - 2.The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul District, Dindigul.
 - 3.The Inspector of Police,
Ambadurai Police Station,
Ambadurai, Dindigul District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.D.Senthil, Advocate, SR.No.47669

H.C.P. (MD) No.1612 of 2018
15.02.2019

KRK

KK/SAR-/14.03.2019/2P-6C