



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 16.07.2019

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 645 OF 2019

Valarmathi

... Petitioner/Wife of Detenu

- Vs -

1. The Superintendent of Police
Madurai District
District Police Office
Alagarkovil Road, Madurai 625 007.

2. The Inspector of Police
Perungudi Police Station
Madurai District.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the 2nd respondent to produce the body or person of the detenu, S.Suresh Kumar, S/o Solaichamy, aged about 38 years before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. A.John Xavier
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., Suresh Kumar, aged about 39 years and according to her, they got married and out of the said wedlock, a girl child was born, who is now aged about 10 years. It is further stated that the petitioner's husband/detenu, along with one Sikkanthar Thulkarunai is running a concern, viz., S.S. India Tours & Travels. According to her, her husband/detenu came to the house on 23.5.19 in the afternoon for the purpose of taking lunch and asked her to get him his passport and she handed over the same to the detenu and he left at about 8.00 p.m. On 23.5.19 and, thereafter, he did not return and the petitioner tried to contact him over mobile phone and it was in switched off condition. The petitioner also made enquiries to know about the whereabouts of her husband and on 25.5.19 she received a message from her husband's mobile phone seeking her pardon. The petitioner gave a complaint in this regard to the 2nd respondent, which was



registered as Crime No.102/19, but since no worthwhile action has been taken by the 2nd respondent to trace the detenu, the petitioner, being the wife, very much concerned with the safety, well being and whereabouts of her husband, has approached this Court by filing this habeas corpus petition.

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2. Heard the learned counsel appearing for the petitioner and Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice for the 2nd respondent, on instructions, submit that the detenu had developed intimacy with one Pandi Devi and may have eloped with her and submitted that investigation is underway.

3. This Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to carry out effective and proper investigation in respect of the case in Crime No.102/19 and take all out efforts to trace the detenu and as and when the detenu is traced, he shall be produced before the learned Judicial Magistrate No.6, Melur, Madurai District, for passing appropriate orders, after appropriate intimation to the petitioner. The Judicial Magistrate No.6, Melur, Madurai District, on production of the detenu, shall pass appropriate orders in accordance with law as to his custody. The 2nd respondent shall also keep the petitioner informed of the progress in the investigation periodically.

4. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.6,
Melur, Madurai District
2. The Superintendent of Police
Madurai District
District Police Office
Alagarkovil Road, Madurai 625 007.
3. The Inspector of Police
Perungudi Police Station
Madurai District.
4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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