



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 12.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

H.C.P. (MD) NO. 621 OF 2019

Thotttil Mani

.. Petitioner

- Vs -

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

2. The Inspector of Police
Athoor Police Station
Thoothukudi District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents to produce the body or person of the detinue, viz., Dhanalakshmi, W/o.A.Thotttilmani, aged about 34 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. V.Malaiyendran

For Respondents : Mr. S.Chandrasekar, APP

ORDER

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

The petitioner is the husband of the detinue, viz., Dhanalakshmi, aged about 34 years and according to him, out of the wedlock, three children were born that that the detinue is missing from 18.4.19 along with 20 sovereigns of jewels. The complaint given by the petitioner to the 2nd respondent has resulted in the registration of the case in crime No.116/19 for 'Woman Missing'.

2. Learned counsel appearing for the petitioner submits that the children are female and aged about 11, 9 and 8 years respectively and that for want of motherly affection, the children are also suffering and very much concerned about the safety, well
<https://hccservicescourts.mv.in/hccservices/>abouts of the detinue, has come forward with the present petition.



3. Per contra, Mr.Chandrasekar, learned Addl. Public Prosecutor, who accepts notice on behalf of the respondents, on instructions submit that the complaint given by the petitioner has been registered in Crime No.116/19 and that investigation is on.

4. This Court has considered the rival submissions and perused the materials available on record.

5. The petitioner has not specifically alleged illegal detention or custody of the detainee at the hands of any third party. In the absence of such an averment, this Court is of the considered view that the habeas corpus petition is not maintainable. However, taking into consideration the anxiety exhibited by the petitioner, being the husband and that the three female children are also left in his custody, this Court directs the 2nd respondent to conduce fair and speedy investigation in respect of the case in Crime No.116/19 registered by them and as and when the detainee is traced, she shall be produced before the Court of Judicial Magistrate, Tiruchendur for passing appropriate orders as to custody. The 2nd respondent shall also periodically inform the progress made in the investigation, to the petitioner. The Deputy Superintendent of Police, Tiruchendur, shall also monitor the investigation done by the 2nd respondent and give necessary inputs to the 2nd respondent.

6. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS-)

GLN

To

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

2. The Judicial Magistrate,
Tiruchendur.

3. The Inspector of Police
Athoor Police Station
Thoothukudi District.

4. The Deputy Superintendent of Police
Tiruchendur.



5. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-74956[F] dated 12/07/2019)

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