



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.698 of 2019

A.Jeyapriya

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Sub Inspector of Police,
Virusveedu Police Station,
Virusveedu,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents herein or their subordinates to secure the detenu and produce the body or person of the petitioner's husband, the detenu, Viz., K.Asai Kumar son of Kodangi, aged about 29 years, before this Hon'ble Court and set him at liberty forthwith and to handover her custody.

For Petitioner : Mr.K.Saravana Kumar

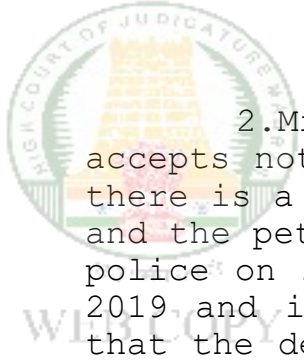
For Respondents 1 and 2 : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

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

The petitioner is the wife of the detenu viz., K.Asai Kumar and according to her, her marriage with the detenu was solemnized on 17.02.2016 and out of the wedlock and a female child was born on 22.02.2017. The petitioner would further state that her husband did not get a job in commensurate with the qualification and therefore, he went to Tiruppur for a job and on 12.04.2019 he came to his matrimonial home and returned on 14.04.2019. Thereafter, when she tried to contact him through mobile phone, it was found switched off. The petitioner being his wife is very much concerned with the safety, wellbeing and whereabouts of her husband and she along with her daughter of tender age were left lurch and hence, came forward to file this Habeas Corpus Petition.



2.Mr.K.Dinesh Babu, learned Additional Public Prosecutor, who accepts notice on behalf of the second respondent would submit that there is a matrimonial discord between the petitioner and the detenu and the petitioner has lodged a complaint with the second respondent police on 26.03.2019, based on which a CSR was registered in 57 of 2019 and it was ended in compromise. It is his further submission that the detenu had developed illegal intimacy with some other lady and left the company of the petitioner and he also submitted that no complaint has been pending on the file of the second respondent with regard to the alleged missing of the detenu.

3.This Court considered the rival submissions and perused the materials placed before it.

4.In the light of the above facts and circumstances of the case, this Court directs the petitioner to lodge a complaint to the second respondent police with regard to the missing of her husband within one week from the date of receipt of a copy of this order and the second respondent upon receipt of the same shall proceed on the said complaint in accordance with law and expeditiously as possible and inform the decision taken to the petitioner.

5.The Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Dindigul District.

2.The Sub Inspector of Police,
Virusveedu Police Station,
Virusveedu,
Nilakottai Taluk,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.SARAVANA KUMAR, Advocate (SR-77825[F] dated
26/07/2019)

H.C.P(MD) No.698 of 2019
26.07.2019