



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD)No.752 of 2019

Suganya

... Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
Kabistalam Police Station,
Thanjavur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body or person of the detenu, namely, C.Mahendran, son of Chinnaian, aged about 37 years, who is the husband of the petitioner, before this Court and set him at liberty.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, namely, C.Mahendran, aged about 37 years and according to her, as per the wishes of elders in the family, the marriage between her and the detenu was solemnised on 12.06.2013 as per Hindu rites and customs and they were living happily for sometime as husband and wife. It is the specific case of the petitioner that one Thulasimani, daughter of Archunan, by employing henchmen, had abducted her husband and alleging his illegal custody with the said woman, submitted a



representation dated 20.07.2019 to the first respondent and since it failed to evoke any kind of response, came forward to file this petition.

2. Heard the submissions of the learned Counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents, who on instructions, would submit that a case in Cr.No.171 of 2019 was registered on 28.07.2019 for 'Man Missing' and initial investigation reveals that the detenu eloped with the said Thulasimani, daughter of Archunan and the investigation is on.

3. In the light of the above facts and circumstances of the case, it cannot be said that the detenu, who is admittedly a major, is not under illegal custody and detention of a third person. However, taking into consideration the anxiety exhibited by the petitioner, who is the wife of the detenu, this Court directs the second respondent to conduct a fair, proper and speedy investigation as to the missing of the husband of the petitioner and during the course of investigation, if the detenu is traced, he shall be produced before the learned Judicial Magistrate, Papanasam, Tirunelveli District, for passing appropriate orders as to his custody and before doing so, shall inform the petitioner also. The second respondent shall also periodically inform the petitioner as to the progress of the investigation. The Deputy Superintendent of Police, Papanasam, Tirunelveli District, shall also monitor the investigation and give necessary inputs to the second respondent.

4. Accordingly, this Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Kabistalam Police Station,
Thanjavur District.

3.The Deputy Superintendent of Police,
Papanasam,
Tirunelveli District.



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

+1 CC to M/s.R.GOWRI SHANKAR, Advocate (SR-81280[F] dated
13/08/2019)

H.C.P (MD) No.752 of 2019
09.08.2019

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