



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 30.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 885 OF 2019

WEB COPY

Abila

.. Petitioner

- Vs -

1. The Superintendent of Police
Kanyakumari District, Nagercoil.

2. The Inspector of Police
Boothapandy Police Station
Boothapandy, Kanyakumari District.

.. Respondents

Writ 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 and person of the detenu, viz., Mahesh, S/o Manuel, aged about 31 years, before this Court and and set him at liberty.

For Petitioner : Mr. L.George Paul Anto

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the wife of the detenu, viz., Mahesh, aged about 31 years and according to her, they got married about 4 ½ years ago and on 27.2.19, the detenu took her jewels for which there was some altercation and enraged by the same, the detenu left the home and, thereafter, he did not return and efforts to contact him also ended in futility and the complaint given in this regard has also resulted in registration of a case in Crime No.89/2019 for 'Man Missing'. Since there was no proper response from the respondents, the petitioner, being very much concerned about the safety, well being and whereabouts of her husband, came forward to file the present petition.

2. Heard the learned counsel appearing for the petitioner and Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice for the 2nd respondent, and on instructions submit that based on the complaint, a case in Crime No.89/2019 was registered and investigation is on and all out efforts are being made to trace the detenu.



3. This Court has considered the rival submissions and also perused the materials available in the typed set of documents.

4. This Court, taking into consideration the facts and circumstances, and the anxiety exhibited by the petitioner, directs the 2nd respondent to conduct quality and speedy investigation and as and when the detenu is traced, he shall be produced before the Court of Judicial Boothapandy, Kanyakumari District, for passing appropriate orders as to his custody and before doing so, the 2nd respondent shall inform the petitioner in advance. The 2nd respondent shall also periodically inform the progress being made in the investigation to the petitioner. The Deputy Superintendent of Police, Nagercoil, shall monitor the investigation and give necessary inputs to the 2nd respondent to carry out quality investigation.

5. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police
Kanyakumari District, Nagercoil.
2. The Inspector of Police
Boothapandy Police Station
Boothapandy, Kanyakumari District.
3. The Deputy Superintendent of Police
Nagercoil, Kanyakumari District.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.L.GEORGE PAUL ANTO, Advocate SR-84707.

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