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H.C.P(MD) No.378 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.378 of 2020

Vasanthi

... Petitioner/Wife of the detenu

-vs-

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the detenu namely, Ayyappan, son of Muthanakonar, aged about 60 years, husband of the Petitioner in Crime No.195 of 2006, on the file of the second respondent/Keelavalavu Police Station before this Court and set him at liberty as per law.

For Petitioner : Mr.P.Murughadasan

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed praying this Court to issue a direction to the respondents 1 and 2 to produce the Petitioner's husband namely, Ayyappan, son of Muthanakonar, aged about 60 years before this Court and set him at liberty.

2.The Petitioner is the wife of the detenu. According to her, they are blessed with a daughter named, Chandrajothi and they were living in a joint family along with her in-laws Karupayee and Muthanakonar. She would further state her husband was having low IQ level and sometimes he behaves like a child. While so, he was found missing from 15.6.2005. The efforts taken by the Petitioner and her relatives did not yield any result and hence, a complaint is given to the second respondent Police and on that basis, a case in Crime No.195 of 2006 was registered under the caption 'man missing'. The Petitioner would further state that on several



times, she went to the second respondent Police to enquire about the fate of the criminal case, but no proper reply was given to her and hence the present Habeas Corpus Petition.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would state that the criminal case in Crime No.195 of 2006 registered under the caption 'man missing' was investigated by the second respondent Police. Since the detenu could not be traced out for about two years, the criminal case was closed as undetected. In this regard, the second respondent Police has also filed a final report before the Judicial Magistrate, Melur on 21.3.2009.

4. Per contra, Mr.P.Murughadasan, learned counsel appearing for the Petitioner would state that the petitioner filed a Copy Application for issuance of certified copies of the First Information Report and other records, last month, but he was informed that nothing was available in the Court.

5. The grievance of the Petitioner appears to be that she finds difficulties in getting a Legal Heirship Certificate as she is not issued with any certified copy in the Criminal Case in Cr.No.195 of 2006.

6. A copy of the final report filed in Crime No.195 of 2006 has been produced before this Court by the Second Respondent. The Petitioner is entitled to utilize the copy of the final report filed before this Court for the purpose of obtaining the Legal Heirship Certificate of the detenu.

7. With the above observation, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To:

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

+3 CC to M/s.P.MURUGHADASAN, Advocate (SR-23431[F] dated 01/12/2020
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