



WEB COPY

H.C.P.(MD) No.653 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.653 of 2020

A.Pandiyarajan

... Petitioner/Brother of the detenue

-vs-

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

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

3.Athimoolam

4.Eswari

5.Murugan

... 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 Petitioner's sister namely Valarmathy, daughter of Veerasamy, Female, aged 39 years before this Court and set her at liberty.

For Petitioner : Mr.R.Selvaraj

For Respondents : Mr.K.Dinesh Babu
1 and 2 Additional Public Prosecutor

For Respondents : Mr.V.Malaiyendran
4 and 5

O R D E R

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

Heard Mr.R.Selvaraj, learned counsel appearing for the petitioner, Mr.K.Dinesh Babu, learned Additional Public prosecutor appearing for the respondents 1 and 2 and Mr.V.Malaiyendran, learned counsel appearing for the respondents 4 and 5 and perused the materials placed before this Court.

2.This Habeas Corpus Petition has been filed seeking direction to the respondents 1 and 2 to produce the Petitioner's

<https://hcservices.courts.gov.in/hcservices/>



sister namely, Valarmathy ,aged 39 years before this Court and set her at liberty.

3.It is the case of the Petitioner that the detinue's parents namely, Veerasamy and Rajammal have committed suicide due to family dispute leaving behind the fourth respondent/Eswari and the detinue Valarmathy. Hence they have been taken care of by their maternal uncle, the third respondent herein.

4.It is alleged that the said Valarmathy disappeared about seven years ago, but, there is no proper reply given by the private respondents and hence, he lodged a complaint on 10.8.2020. Since no action was taken, the present Habeas Corpus petition has been filed.

5.Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that the detinue Valarmathi is found missing for the past seven years, but the complaint was preferred only in the month of August 2020. Based on the complaint, the second respondent registered a case in Crime No.511 of 2020 and thereafter the case was transferred to Pazhayanoor Police Station and the same is registered in Crime No.117 of 2020 under the caption 'Women Missing'. According to the learned Additional Public Prosecutor, the Pazhayanoor Police has taken effective steps to secure the detinue.

6.This Court is of the view that since the criminal case has been registered very recently and it is too early at this stage, to consider the grievance of the Petitioner.

7.In the light of the above statement made by the learned Additional Public Prosecutor, this Habeas Corpus Petition is closed, giving liberty to the Petitioner to renew the Habeas Corpus Petitioner later, if he is so avised.

Sd/-

Assistant Registrar (CS-I)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.653 of 2020
04.12.2020

VB (15.12.2020) 3P 4C