



WEB COPY

H.C.P.(MD) No.770 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.770 of 2020

Jeevitha

... Petitioner

-vs-

1.The Superintendent of Police
Kanyakumari District
at Nagercoil

2.The Inspector of Police
Karungal Police Station
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 2 to produce the body or person of the detenu, namely, Densil @ Rejin, son of Devaraj, aged about 32 years, husband of the petitioner herein, before this Court and set him at liberty forthwith.

For Petitioner : Ms.Karthigai Priya
for Mr.A.Balakrishnan

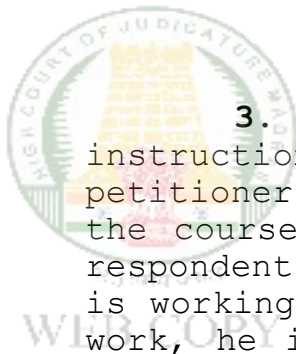
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

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

The petitioner has filed this habeas corpus petition seeking direction to the respondents to produce the detenu, namely, Densil @ Rejin, son of Devaraj, aged about 32 years, before this Court and set him at liberty forthwith.

2. According to the petitioner, she was married to the detenu Densil @ Rejin in the year 2018 and out of the wedlock, they are blessed with a male child, who is aged about 1 ½ years. The petitioner would further state that her husband was working as Coolie and his working time was 08.00 a.m. and 06.30 p.m. While so, he went to attend the work on 27.08.2020, but he did not return back to the house. Further, the petitioner would state that despite registration of a case in Crime No.328 of 2020 on the basis of her complaint, the second respondent has not taken any action to trace the detenu and hence, this habeas corpus petition.



3. Mr.R.Anandharaj, learned Additional Public Prosecutor, on instructions, would submit that based on the complaint lodged by the petitioner, a case in Crime No.328 of 2020 was registered and during the course of investigation, the detenu appeared before the second respondent on 27.10.2020 and gave a statement to the effect that he is working in the State of Kerala and before he going to Kerala for work, he informed the same to the petitioner. Further, after the statement recorded from the detenu, the petitioner did not want to pursue the complaint and hence, it was closed as "Action Dropped" by the second respondent. In support of his contentions, the learned Additional Public Prosecutor has produced a copy of the statement recorded from the detenu and the action dropped report of the second respondent.

4. Taking note of the above facts, we are of the considered opinion that nothing survives for consideration in this habeas corpus petition and the same is, therefore, closed. However, liberty is given to the petitioner to workout her remedy in the manner known to law.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Kanyakumari District,
at Nagercoil.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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