



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.1095 of 2020

WEB COPY

S.Sundaram

... Petitioner

-vs-

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

2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body of the person of the detenué/ Petitioner's wife namely, Muthuselvi, aged about 36 years before this Court and set her at liberty.

For Petitioner	:	Mr.S.J.Chakkaravarthy
For Respondents	:	Mr.R.Anandharaj,
1 and 2		Additional Public Prosecutor

O R D E R

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

The prayer in the Habeas Corpus Petition is to direct the respondents to produce the Petitioner's wife namely, Muthuselvi, aged 34 years before this Court and set her at liberty.

2.The Petitioner would state that he married the detenué about 18 years ago and they are blessed with two children namely, S.Karuppasamy and S.Bala, aged about 17 and 14 years respectively. The detenué had eloped with one Valavanthan about a year ago and Valavanthan is the husband of one Anitha. On the complaint of the said Anitha, the All Women Police Station, Aruppukottai secured both the Valavanthan and the Petitioner's wife Muthuselvi and the custody of the Petitioner's wife was handed over to him.

3.The Petitioner would claim that they were living together happily for some time and she is found missing from 28.9.2020. It is also stated that the said Valavanthan and his brother Anand have trespassed into the house of the Petitioner and kidnapped his wife and an amount of Rs.2000/- is also found missing. Hence, he



lodged a complaint with the second respondent on 28.9.2020. But no action was taken on the said complaint.

4.Mr.R.Anandhraj, learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that based on the complaint of Anitha, a case was registered in Crime No.271 of 2020, on the file of the second respondent Police and during the enquiry, the Petitioner's wife Muthuselvi and Anitha's husband Valavanthan were secured and their custody was handed over to the respective persons on 2.9.2020 and this is a case of second elopement and based on the complaint of the petitioner, a case in C.S.R.No.407 of 2020 was registered and the second respondent is ready to take action in accordance with law.

5.In the light of the above facts of this case, this Habeas Corpus petition is closed, however, we direct the second respondent to take appropriate action on the basis of the complaint of the petitioner, as expeditiously as possible.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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, Virudhunagar District, Virudhunagar.
 - 2.The Inspector of Police, Aruppukottai Town Police Station, Virudhunagar District.
 - 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.S.J.Chakkaravarthy , Advocate, in SR.No.27015 of 2020.

ORDER MADE IN

H.C.P. (MD) No.1095 of 2020

22.12.2020

(SJ) CO

AP(06/01/2021) 2P 5C