



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.1144 of 2020

K.Birundha

... Petitioner

-vs-

1.The Superintendent of Police
Dindigul District
Dindigul-624 709

2.The Inspector of Police
Thadikombu Police Station
Dindigul District
Dindigul-624 709

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents herein to produce the body or person of the detenu of the petitioner husband namely A.Kathiresan, male, aged about 22 years, who is the husband of the petitioner, before this Court and set him at liberty.

For Petitioner : Mr.D.Selvanayagam

For Respondents: Mr.K.Dinesh Babu
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 her husband, namely, A.Kathiresan, aged about 22 years, before this Court and set him at liberty.

2. It appears that the petitioner is the wife of the detenu and according to her, their marriage was a love marriage and during the lawful wedlock, they were blessed with a male child. She would further state that her husband was working in a Flower Market at Dindigul. When she and her husband were returning from Kanyakumari



in Train, he had acquiescence with one Bakkiya and eloped with her. Hence, she lodged a complaint to the second respondent - Police on 02.02.2020 and based on the said complaint, a case in Crime No.992 of 2020 was registered on 16.09.2020 under Man Missing. She would further state that during enquiry, the said Bakkiya gave a statement before the second respondent - Police that she would not disturb the family life of the petitioner. However, thereafter also the detenu was found missing and therefore, again she gave a complaint to the second respondent - Police on 11.09.2020, however, no proper action was taken by the respondent - Police and hence, this habeas corpus petition.

3. Heard Mr.D.Selvanayagam, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor who takes notice for the respondents and perused the materials available on record.

4. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, on instructions, would state that based on the complaint lodged by the petitioner, the second respondent - Police registered a case in Crime No.992 of 2020, secured the detenu and handed over him to the petitioner on 20.11.2020. It is also stated that in the affidavit, no particulars have been given by the petitioner for the second time missing of the detenu and no proper complaint was given to the second respondent - Police. The case in Crime No.992 of 2020 was closed as mistake of fact, after securing the detenu and it appears that the detenu eloped with the said Bakkiya for the second time.

5. It is not disputed by the learned counsel for the petitioner that the detenu was secured in Crime No.992 of 2020 and handed over to the petitioner. The said factum is found missing in the affidavit. According to the learned Additional Public Prosecutor, no proper complaint has been given to the second respondent - Police to take further action. Perusal of the records would reveal that material facts have been suppressed by the petitioner.

6. In the light of the above facts, we find no merit in the habeas corpus petition and the same is dismissed as devoid of merits.

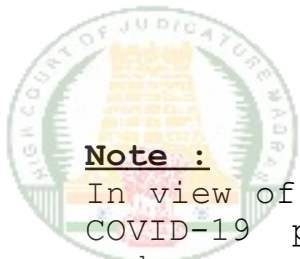
Sd/-

Assistant Registrar

// 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.

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To:

- 1.The Superintendent of Police,
Dindigul District,
Dindigul-624 709.
- 2.The Inspector of Police,
Thadikombu Police Station,
Dindigul District,
Dindigul-624 709.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-25515[F] dated 15/12/2020

H.C.P. (MD) No.1144 of 2020

15.12.2020

KUN (CO)

NR (30/12/2020) 3P : 5C