



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

Habeas Corpus Petition No.1499 of 2021

P.Asokan

S/o.Periyathambi

..Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Salem District.

2.The Inspector of Police,
Mettur Police Station,
Salem District.

3.Vaithi

S/o.Duraisamy

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to produce the petitioner's wife viz., Sathiya Piritha, aged about 34 years, before this Court, who is in the illegal custody of the third respondent and set her at liberty pursuant to the representation dated 06.08.2019.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents: Mr.R.Muniyapparaj

Additional Public Prosecutor [R1 & R2]

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the second respondent to produce the petitioner's wife viz., Sathiya Piritha, aged about 34 years, before this Court, who is in the illegal custody of the third respondent and set her at liberty.

2. On 27.09.2021, we passed the following order :

'It is the case of the petitioner that he is a fisherman and he got married to Sathiya Piritha in the year 2009 and through the wedlock, he has a child Vijaya Sree, who is aged about eight years. It is the



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specific case of the petitioner that while he has gone for fishing on 06.07.2019, his wife left the house and thereafter, her whereabouts were not known.

2. In this regard, the petitioner gave a complaint to the Inspector of Police, Mecheri Police Station, based on which, a petition enquiry in C.S.R.No.225 of 2019 was conducted, but, he does not know the result of the enquiry.

3. Today Mr.R.Mohan (Mobile No.94981 39410), Grade-I 1031, Mecheri Police Station, Salem District, is present.

4. The learned Additional Public Prosecutor produced the records in C.S.R.No.225 of 2019.

5. The fact remains that since 2019, the whereabouts of Sathiya Piritha are not known and no FIR has been registered by the police. Therefore, we direct the petitioner to appear before the Inspector of Police, Mecheri Police Station, Salem District and lodge a written complaint. On such complaint being filed, the Inspector of Police, Mecheri Police Station, shall register a regular FIR for 'woman missing' and in the printed FIR, he can even say "வாதிபால் தாமதம்" and take up investigation of the case.

Post the matter on 04.10.2021.'

3. Pursuant to our order, the petitioner gave a written complaint, based on which, a case in Mecheri P.S.Crime No.511 of 2021 for 'woman missing' has been registered on 29.09.2021.

4. In view of the above, we direct the Deputy Superintendent of Police, Mettur Sub-division, to supervise the investigation in Mecheri P.S.Crime No.511 of 2021 and keep the petitioner informed of the developments, if any. As and when the detainee is secured, she shall be produced before the Judicial Magistrate II, Mettur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders.

With the above direction, this Habeas Corpus Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar



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To

1. The Judicial Magistrate II,
Mettur.
2. The Deputy Superintendent of Police,
Mettur Sub-division.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Salem District.
4. The Inspector of Police,
Mettur Police Station,
Salem District.
5. The Public Prosecutor,
High Court, Madras.

Habeas Corpus Petition No.1499 of 2021

CP(CO)
SP(28/10/2021)