



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.214 of 2021

A.Manjula

... Petitioner

-vs-

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

2.The Inspector of Police,
Taluk Police Station,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the Respondents Nos.1 and 2 to secure the body or person of the Detenue namely, Malarkodi, D/o.Manjula, aged about 37 years and produce her before this Court and set her at liberty.

For Petitioner : Mr.A.Sheik Nasurdeen
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed for a direction to the respondents to secure and produce, the petitioner's daughter namely, Malarkodi, aged about 37 years, before this Court and set her at liberty.

2. The petitioner would state that the detenue was married to one Nagaraj in the year 2005 and they are blessed with two female children, namely, Priyadharshini and Madhubala aged about 14 years and 13 years respectively. The detenue was actively participating in the activities of the self-help group in her village. It is further stated that she had borrowed huge money from the self-help group as well as some private money lenders for family expenses, but she was not able to repay the said amounts. While so, the detenue left her home in the year 2020, for which, a complaint was given by



her husband to the Inspector of Police, Karaikudi and the same was registered in Cr.No.776 of 2020 under 'Woman Missing'. Thereafter, she was secured and custody was handed over to the petitioner.

3. The petitioner would claim that the detainee was found in depression. From 26.10.2020 she was found missing and therefore, she lodged a complaint to the second respondent on 31.10.2020 and also sent a representation to the respondents. Since, no appropriate action was taken to secure the detainee, she has come up with this habeas corpus petition.

4. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, appearing for the respondents, on instructions, would submit that the detainee had borrowed huge money from the self-help group and also from the private parties, but she was not able to repay the loan amount. He further stated that on 27.08.2020 the detainee's husband Nagaraj lodged a complaint with Karaikudi Police Station, for which, a case was registered in Cr.No.776 of 2020 and thereafter, she was secured and handed over to the petitioner. The second complaint was given by the petitioner on 11.02.2021 stating that the detainee was missing from 26.10.2020, however, the investigation reveals that she was staying with her mother, the petitioner herein, till 13.12.2020. It is also stated that the detainee was using 5 sim cards and now 3 sim cards having switched off and she is voluntarily hiding herself.

5. In the light of the submissions made by the learned Additional Public Prosecutor, we find no merits in the habeas corpus petition and hence, this petition is dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Taluk Police Station,
Dindigul.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.SHEIK NASURDEEN, Advocate (SR-7933[F] dated
01/03/2021)

H.C.P. (MD) No.214 of 2021
26.02.2021

VB (15.03.2021) 3P 5C