



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.414 of 2021

V.Ramesh

... Petitioner/Husband of Detenue

-vs-

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Ambasamuthiram, Tirunelveli District.
- 3.The State rep. by
Inspector of Police,
Suthamalli Police Station,
Suthamalli,
Tirunelveli District.

4.Imam Kasali Sabi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1 to 3 to produce the person or body of person, namely, the petitioner's wife Selvi, W/o.Ramesh, aged about 37 years who is under the illegal custody of the 4th respondent herein before this Court based on the petitioner's complaint dated 14.02.2021 and set her at liberty.

For Petitioner : Mr.B.Prahalad Ravi

For R1 to R3 : 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 come forward with this habeas corpus petition seeking direction to the respondents 1 to 3 to produce the petitioner's wife, namely, Selvi, aged about 37 years from the illegal custody of the fourth respondent, before this Court and set her at liberty.



2. The petitioner is the husband of the detinue. The petitioner would state that he is a Painter by profession. During lockdown, his family suffered due to unemployment and hence, he started to run a grocery shop. It is alleged that during the time, the fourth respondent, who is the resident of same area, frequently visited his grocery shop and started to give troubles to his wife.

3. The petitioner would further state that he was admitted in the hospital on 01.12.2020 and took treatment as inpatient for 5 days. Then, he came to know that his wife was found missing, immediately, he lodged a complaint with the third respondent and the same was registered in Cr.No.596 of 2020. During the investigation, the police secured the petitioner's wife from the fourth respondent and handed over the custody to the petitioner. Subsequently, the detinue was found missing from 05.02.2021 and on enquiry, he was informed that the fourth respondent abducted her in a car. Again, he lodged a complaint on 14.02.2021 with the third respondent, but no action was taken to secure the detinue and hence, the present habeas corpus petition has been filed.

4. Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials available on record.

5. The learned Additional Public Prosecutor, on instructions, would submit that initially the detinue eloped with the fourth respondent on 06.12.2020 for which, a complaint was given and the same was registered in Cr.No.596 of 2020, thereafter, the detinue was secured and she was handed over to the petitioner on 13.01.2021. Again on 05.02.2021, she eloped with the fourth respondent again the petitioner lodged a complaint with the third respondent on 14.02.2021 and the same is at CSR stage and the investigation is going on.

6. In the light of the above submission of the learned Additional Public Prosecutor, we find no merits in the habeas corpus petition. Accordingly, this petition is dismissed. However, we direct the second respondent to monitor the investigation of the complaint given by the petitioner. No costs.

Sd/-

Assistant Registrar(CS-II)

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/ /2021

Sub Assistant Registrar(CS)



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,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Ambasamuthiram,
Tirunelveli District.
- 3.The Inspector of Police,
Suthamalli Police Station,
Suthamalli,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-12237[F] dated 18/03/2021)

H.C.P. (MD) No.414 of 2021
18.03.2021

kmv (CO)
TR(26.04.2021) 3P 6C