



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.457 of 2021

Vasantha

... Petitioner

-vs-

1.The Superintendent of Police,
Madurai District,
Madurai 625 007.

2.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.

3.Maharaja

4.Sabari.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents 1 and 2 to secure and produce the body or person of the petitioner's sister namely Selvarani, W/o. Maharaja, aged about 42 years, the detenu herein, who may be in the illegal custody of the third and fourth respondents or somebody else at the behest of third respondent and produce before this Court and set her at liberty.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.S.Ravi

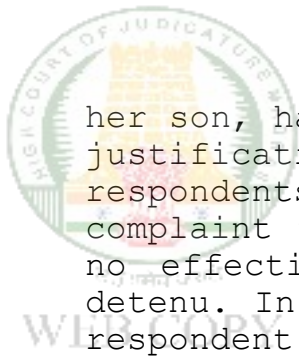
Standing counsel for Government

O R D E R

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

The present habeas corpus petition has been filed seeking direction to the respondents 1 and 2 to secure and produce the petitioner's sister viz., Selvarani, W/o. Maharaja, aged about 42 years, from the illegal custody of the third and fourth respondents and set her at liberty.

2. The petitioner would claim that the detenu is her sister and she is found missing for the past one year. Despite serious search, the detenu could not be secured and when she enquired with the respondents 3 and 4, they did not give any acceptable reply or explanation. The petitioner has alleged that the third respondent, who is the husband of the detenu and the fourth respondent, who is



her son, have tortured the petitioner's sister without any reason or justification and hence, she is having suspicion over the respondents 3 and 4. It is further stated that she lodged a complaint with the second respondent on 10.02.2021, in person. But no effective steps were taken by the respondents to secure the detenu. In this regard, she also gave a representation to the first respondent.

3. Mr.S.Ravi, learned Standing counsel appearing for the respondents 1 and 2 would submit that the detenu had borrowed money from the local people, but she was not able to repay the loan amount and hence, she was absconding for the past 1 ½ years. In the month of January 2020 itself, a joint complaint was given by her creditors including the petitioner herein and the same was enquired by the second respondent police and it was closed. However, suppressing the earlier complaint, the present habeas corpus petition has been filed, after giving a fresh complaint in the year 2021. The enquiry further reveals that the petitioner is not the sister of the detenu and she is also one of the victim in the hands of the detenu. The enquiry conducted in the year 2020. The statement of the parties, who were enquired in the year 2020, were placed on record.

4. In reply, Mr.R.Murugan, learned counsel appearing for the petitioner would state that the petitioner is the cousin sister of the detenu.

5. A perusal of the affidavit filed in support of the habeas corpus petition would show that the petitioner has suppressed the complaint given in the month of January 2020. It appears that the detenu, by using the name of the petitioner herein, had borrowed money from the third parties. The complaint has been filed on 10.02.2021 and it is the representation of the learned Standing counsel appearing for the respondents 1 and 2 that a C.S.R.Number has been assigned and the second respondent is investigating the matter.

6. In the light of the above facts, the Habeas Corpus Petition is disposed of with the direction to the second respondent to complete the investigation, on the complaint of the petitioner, dated 10.02.2021, as early as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

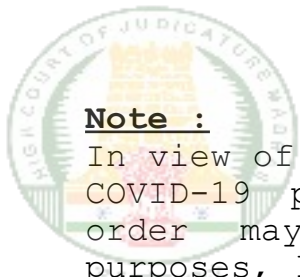
Sd/-

Assistant Registrar (CSI)

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/ /2021

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,
Madurai District,
Madurai 625 007.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

H.C.P. (MD) No.457 of 2021

11.06.2021

GS (25.06.2021) 3P 4C