



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.474 of 2021

Kanakaraj

... Petitioner

-vs-

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Sub Inspector of Police,
Kollencode Police Station,
Kollencode, Kanyakumari District.

3.Narayanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the 1st to 3rd respondents to produce the body or person of the petitioner's wife, the detainee, namely, Salila Jayani, aged about 48 years, before this Court and set her at liberty.

For Petitioner : Mr.C.Kishore

For R1 & R2 : Mr.K.Dinesh Babu

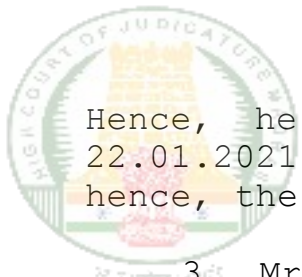
Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed seeking direction to the respondents 1 to 3 to produce the petitioner's wife, namely, Salila Jayani, aged about 48 years, before this Court and set her at liberty.

2. The petitioner would state that his wife, detainee herein, is working at Tiruvandram. It is further stated that the marriage of the petitioner's daughter was performed in the month of November 2020 and thereafter, his wife was found missing. Hence, he lodged a complaint with the second respondent on 17.01.2021, immediately, on the next day, she was secured by the second respondent and she was sent along with the petitioner. It is alleged that on the very next day i.e., on 19.01.2021 she went for work, but she did not turn up and again, she was found missing.



Hence, he lodged a complaint with the second respondent on 22.01.2021, but, no action was taken to secure the detenu and hence, the present habeas corpus petition has been filed.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, would state that initially the detenu was found missing on 17.01.2021 and on the very next day she was secured by the second respondent and her custody was handed over to the petitioner. Again, she was found missing from 19.01.2021 and based on the complaint of the petitioner, a case in Cr.No.95 of 2021 was registered under 'Women Missing' and the same is under investigation.

4. Mr.C.Kishore, learned counsel appearing for the petitioner would state that phone calls received from two cell numbers would show that she was being illegally kept by the third respondent and the second respondent registered the case only after obtaining the order from the learned Judicial Magistrate under Section 156(3) Cr.P.C.

5. In the light of the above fact, we find no merit in the habeas corpus petition and hence, the same is closed. However, we direct the second respondent to speed up the investigation in Cr.No.95 of 2021 and secure the detenu at the earliest.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

(ii) 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,
Nagercoil,
Kanyakumari District.

2.The Sub Inspector of Police,
Kollencode Police Station,
Kollencode,
Kanyakumari District.

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

+1 CC to M/s.C.KISHORE, Advocate (SR-14028[F] dated 26/03/2021)

H.C.P. (MD) No.474 of 2021
26.03.2021

KMV (CO)
TR(29.04.2021) 3P 5C