



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.569 of 2021

Manikandan ... Petitioner / Elder brother of the Detenu

Vs.

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

2.The Inspector of Police,
Musiri Police Station,
Trichy District.

3.Sekar ... Respondents

PRAYER: Habeas Corpus 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 the detenu and produce the person or body of the detenu Sathya, W/o.Sekar, aged about 27 years from the illegal custody of the 3rd respondent before this Court.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents	: Mr.A.Thiruvadi Kumar Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

This Habeas Corpus Petition is filed by one Manikandan claiming to be the elder brother of the detenu K.Sathya.

2. In the affidavit, the petitioner stated that the marriage of his sister Sathya and the third respondent Sekar was solemnized by the elders of the family and she was living with the third respondent happily for some time, but later, due to the harassment of the kith and kin of the third respondent, she was disturbed.

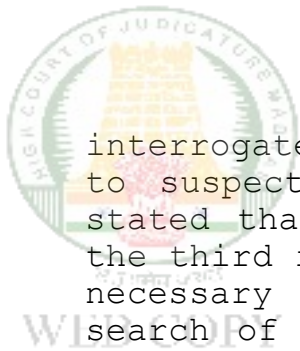


While so, on 19.02.2021, at about 6.30 p.m., the third respondent contacted the petitioner over phone and enquired about his sister Sathya stating that at 10.00 a.m., on that day Sathya quarrelled with him and voluntarily left the matrimonial home and questioned whether Sathya has reached the parental home or not. Hearing that the petitioner was shocked since his sister Sathya did not reach the parental home and therefore, started searching his sister. Since he could not find and trace out his sister, he gave a complaint to the second respondent police on 20.02.2021 contending that the third respondent with an intention to create panic to the petitioner and his family members has kept his sister Sathya under illegal custody and staging a drama as if his sister voluntarily left for parental home. The said complaint was registered in Crime No.98 of 2021 under the head 'woman missing'.

3. It is further contended in the affidavit that after registration of the FIR, the respondent police has not moved an inch to secure his sister from the illegal custody of the third respondent eventhough he had given clues to the second respondent on several occasions. Hence the present Habeas Corpus Petition is filed to secure the person or body of Sathya from the third respondent, who is holding her illegally and set her at liberty.

4. The second respondent has taken notice of the Habeas Corpus Petition and has filed a status report. In the status report, it is stated that soon after the receipt of the complaint from the petitioner, the investigation officer has appointed a team headed by Mr.Rajiv Gandhi, Sub Inspector of Police, Musiri to trace the missing woman. They have examined the petitioner and others and recorded their statement. The suspected mobile numbers were collected and call records were compared and traced through Cyber Crime branch. Notices been circulated in all the areas where the missing woman Sathya likely would have visited. On 01.03.2021, a special team was also constituted consisting of Grade-I Police Constables, namely, Karthick and Rajasehkumar and enquiry was conducted in Trichy Town, Vayalur and Chathiram Bus Stand, Trichy. The investigation conducted sofar indicates that the missing woman was lost seen by one Valarmathi. The statement of Valarmathi was recorded and few more cell numbers were collected for getting the call record details. Information of dead body of a woman from Lalgudi was received on 25.04.2021. Immediately special team rushed to that spot and tried to compare the identification of the missing woman with that of the dead body and found that it does not tally. Several witnesses were enquired and their statements have been recorded and from the clue, certain mobile numbers received and the call details were called for. However, the efforts taken by the special team so far has not yielded any result.

5. In respect of the family members of her husband against whom the suspicion been thrown by the petitioner herein, they were



interrogated by the police, but so far there is no material evidence to suspect their role in the missing of Sathya. However, it is stated that a close surveillance is kept on the family members of the third respondent and if any incriminating material is collected, necessary action will be taken, beside the special team is in search of the missing lady Sathya and as and when any information received, same shall be passed on to the petitioner and further action will be taken in accordance with law. However, the second respondent is directed to continue the surveillance on the third respondent family and also continue the search of the missing lady till the search reaches logical end.

6. With these observations, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Trichy District,
Trichy.

2. The Inspector of Police,
Musiri Police Station,
Trichy District.

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

H.C.P. (MD) No.569 of 2021
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NSN(CO)

KB(10.12.2021) 3P 4C