



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) .No.1071 of 2021

WEB COPY

Sahayam

... Petitioner/wife of the detenu

-vs-

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

2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's husband namely 'KULANDHAINATHAN', S/o.K.Kaspar, aged 43 years, the detenu in the present case before this Court and set him at liberty.

For Petitioner	: Mr.S.Joseph Jerry
For Respondents	: Mr.S.Ravi
	Standing counsel for the State

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

The petitioner is the wife of one Kulanthainathan, aged about 43 years and alleging that he is found missing from 22.05.2017, the petitioner has lodged a complaint before the second respondent police. But, so far no case has been registered based on her complaint and no enquiry has been conducted by the second respondent police. In the said circumstances, the present Habeas Corpus Petition has been filed.

2.When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing counsel appearing for the State, on instructions would submit that based on the complaint given by the petitioner, an enquiry was conducted and during enquiry, it was found that the petitioner's husband borrowed money from several persons and was unable to repay the loans, therefore, he absconded himself and there is no illegal detention and the further investigation has been dropped in this case and also produced the copy of the report filed by the second respondent police.

3.Considering the circumstances that the initial investigation of this case reveals that the petitioner's husband is not illegally detained by anybody and he absconded himself for some other reasons, the second respondent police is directed to conduct further investigation and trace the missing person as early as possible.



4. With the above direction, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS I)

WEB COPY

// True Copy //

/ /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.

To

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1071 of 2021
04.08.2021

SSS

RS (11.08.2021) 2P-4C