



WEB COPY

H.C.P.(MD).No.1094 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) .No.1094 of 2021

Kannan

... Petitioner/Husband of the detenue

-vs-

1. The Superintendent of Police,
O/o.Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Seithur Police Station,
Seithur,
Virudhunagar District. ... 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 to produce the person or body of the detenue namely Mariselvi, W/o.Kannan, aged 21 years before this Court and set her at liberty.

For Petitioner : Ms.K.Abiya
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 husband of the detenue and alleging that his wife by name Mariselvi, aged about 21 years, was found missing from 14.04.2021, he said to have given a complaint before the second respondent police. Even though an F.I.R has been registered in Crime No.117 of 2021, so far no action has been taken by the second respondent police to secure the detenue. Hence, 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, a case in Crime No.117 of 2021 had already been registered by the second respondent police and the investigation reveals that the detenue left with her maternal aunt and living along with her in



Kerala and there is no illegal detention as alleged by the petitioner.

3. Considering the above facts, the second respondent police is directed to proceed with the investigation and secure the detainee as early as possible and produce before the concerned Judicial Magistrate. On such production, the concerned Judicial Magistrate is directed to pass suitable orders regarding the custody of the detainee, in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

// 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,
O/o.Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Seithur Police Station,
Seithur,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ABIYA, Advocate (SR-25451[F] dated 06/08/2021)

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