



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM:

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

H.C.P. (MD) No.1804 of 2021

Jancy ...Petitioner / Sister-in-law of the Detenu

Vs.

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

2.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District. ... 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 to produce the body or person of the petitioner's brother's wife, namely, Amali, aged about 30 years along with her minor son Jemiro, aged about 4 years before this Court and set them at liberty.

For Petitioner	: Mr.K.Anna
For Respondents	: Mr.S.Ravi
	Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The petitioner, who claims to be the sister-in-law of the missing lady Amali, has come with this petition alleging that her sister-in-law along with her child is missing and apprehended their lives are under threat.

2.The affidavit as well as the report filed by the learned Additional Public Prosecutor indicates that the said Amali has borrowed money from several persons and to escape from pressure of the creditors, has gone hiding. In this regard, earlier, a complaint was given by one Chinnathambi on 14.01.2021. Pursuant to that



complaint, the said Amali appeared before the police along with her child, and hence, the said complaint registered under CSR.75/21 was closed. Now after a lapse of few months, the present Habeas Corpus Petition is filed again by the present petitioner making some allegation. The complaint of the present petitioner has been taken up for enquiry by the respondent police and on 07.10.2021, while conducting enquiry, it was found that the complaint of missing is only a make belief complaint to escape from creditors.

3. From the report of the learned Additional Public Prosecutor, it is clear that the said Amali was borrowed money from several persons around the Town to avoid discharging the debt, is creating record and intimidated the creditors by filing complaints and hence this Habeas Corpus Petition.

4.The learned Additional Public Prosecutor would submit that during the course of enquiry Amali herself appeared and have said that she was hiding from escaping the pressure of the creditors. While being so, the petitioner, a remote relative of the said Amali, a major, cannot sustain a petition under Habeas Corpus, when there is no material to show that she is under illegal custody of any person. Therefore, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (AS)

// 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,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.



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

H.C.P. (MD) No.1804 of 2021
06.12.2021

WEB COPY

NSN (CO)

KB (22.12.2021) 3P 4C