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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.NO.192 OF 2022

R.Radhamani

.. Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore, Coimbatore District.

2. State represented by
The Inspector of Police,
Kottur Police Station,
Kottur, Pollachi,
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to secure and produce the petitioner's husband Ramakrishnan, aged about 35 years, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy
for Mr.K.Myilsamy

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the 2nd respondent to secure and produce the petitioner's husband Ramakrishnan, aged about 35 years, before this Court and set him at liberty.



2. It is the case of the petitioner that she got married to Ramakrishnan in the year 2012 and through the wedlock, she has two children viz., a son Sanjith and daughter Sanjitha, aged about 8 and 4 years, respectively; she is living with her children in Kottur, Pollachi Taluk, whereas, her husband Ramakrishnan, being an Engineer, was into construction activities in the neighbouring Tiruppur. It is alleged by the petitioner that her husband Ramakrishnan came to Kottur on 19.12.2021 to see the children and thereafter, his whereabouts are not known.

3. On these allegations, the petitioner gave a written complaint, based on which, a case in Kottur Police Station Crime No.68 of 2022 has been registered on 08.02.2022 for 'man missing'. Alleging that the police are not taking effective steps to secure her husband, the petitioner has filed the present habeas corpus petition.

4. Today V.Senthilvel Perumal (Mobile No.94981 74114), Sub-Inspector of Police, Kottur Police Station, Coimbatore District, is present.

5. Heard Mr.Ilayaraja Kandasamy, learned counsel representing Mr.K.Myilsamy, learned counsel on record for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondents.

6. On instructions, the Additional Public Prosecutor submitted that during the course of preliminary investigation in Kottur Police Station Crime No.68 of 2022, it came to light that the petitioner's husband Ramakrishnan had developed illicit intimacy with one Malathy and has been living with her for over two years in Tiruppur, which, the petitioner also knows.

7. Be that as it may, the fact that the FIR in Crime No.68 of 2022 has been registered and the same has to reach its logical conclusion.

8. Therefore, we direct the Deputy Superintendent of Police, Valparai Sub-Division, to supervise the investigation in Kottur Police Station Crime No.68 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Ramakrishnan, aged about 35 years, is secured, he shall be produced before the Judicial Magistrate Court No.II, Pollachi, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.



With the above directions, this habeas corpus petition stands closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate No.II,
Pollachi.
2. The Deputy Superintendent of Police,
Valparai Sub-Division,
Pollachi.
3. The Commissioner of Police,
Coimbatore, Coimbatore District.
4. The Inspector of Police,
Kottur Police Station,
Kottur, Pollachi,
Coimbatore District.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.192 of 2022

MT(CO)
PM/08/03/2022