

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

Coram

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

H.C.P.No.413 of 2022

Jothi
W/o.Mohanraj

...Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Salem, Salem District.

2.The State represented by
The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam, Salem District.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents herein to secure and produce the body and person of the petitioner's husband Mohanraj w/o.Jothi, aged about 37 years, before this Court and set him at liberty.

For Petitioner :Mr.D.Arun
For Respondents :Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the respondents to produce the petitioner's husband Mohanraj w/o.Jothi, aged about 37 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her husband Mohanraj went missing from 23.02.2022 and that the police are not taking effective steps to secure him.

3. Today, Mr.V.Kanagaraju, Special Sub-Inspector of Police, Tharamangalam Police Station [Mobile No.94423 08160] is present.

4. On instructions, learned Additional Public Prosecutor submitted that the petitioner and Mohanraj were married sometime in the year 2015 and their first child Thanshika is 5 years old. The petitioner conceived for the second time and she went to her sister's house in the next village for delivery and her husband was also staying with her taking leave. However, on 23.02.2022, her husband left the house saying that he is going to Bangalore for work and thereafter, his whereabouts are not known. On the complaint given by the petitioner, a case in Tharamangalam P.S.Crime No.134/2022 has been registered on 01.03.2022 for 'man missing'. During the course of investigation, it came to light that the petitioner's husband Mohanraj eloped with one Janaki w/o.Kalimuthu. On the complaint of Kalimuthu, a petition enquiry in CSR No.156/2021 has been registered on 23.02.2022, by Suramangalam Police Station, Salem city.

5. In such view of the matter, it cannot be stated that the petitioner's husband is in the illegal detention of the respondents herein for issuance of a writ of habeas corpus. However, we direct the Deputy Superintendent of Police, Tharamangalam, to supervise the investigation in Tharamangalam P.S.Crime No.134/2022 and keep the petitioner informed of the developments, if any. As and when the detenu is secured, he shall be produced before the Judicial Magistrate, Omalur, Salem, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gm

To

- 1.The Judicial Magistrate,
Omalur, Salem.
 - 2.The Superintendent of Police,
Salem, Salem District.
 - 3.The Deputy Superintendent of Police,
Tharamangalam.
 - 4.The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam, Salem District.
 - 5.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.D. Arun, Advocate sr 17634.

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VGII (CO)
SP(04/04/2022)