



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI

H.C.P. (MD)No.201 of 2022

Nagasamy : Petitioner
Vs.

1.The Superintendent of Police,
Ramanathapuram District
Ramanathapuram.

2.The Inspector of Police,
Thiruppalaikudi Police station,
Ramanathapuram District

3.Sivakami : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to secure the detenu and produce the person or body of the detenu namely Murugesan, S/o.Subbaiah, aged about 38 years from the illegal custody of the 3rd respondent before this Court and set him at liberty.

For Petitioner : Mr.T.Leninkumar
For Respondents 1 & 2 : Mr.T.Senthil Kumar
Additional Public Prosecutor
: Mr.J. Madhu for R3

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

It is the case of the petitioner that his brother Murugesan went missing since 2018 and that the police are not taking effective steps to secure him. It is further alleged by the petitioner that his brother Murugesan could be in the illegal custody of Sivakami (third respondent herein), who is the wife of Murugesan.

2. On notice, Sivakami entered appearance through Mr.J.Madhu.

3. The learned Additional Public Prosecutor submitted that on the complaint given by Sivakami, a case in Thirupalaikudi Police Station Crime No.51/2022 has been registered on 29.03.2022 for 'man missing' and investigation is in progress. Thus, it cannot be stated that Murugesan is in the illegal custody of the respondents for the issuance of a Writ of Habeas Corpus. Hence, this petition



is closed with a direction to the Deputy Superintendent of Police, Thiruvadanai to supervise the investigation in Thirupalaikudi Police Station Crime No.51/2022 and keep the petitioner and the third respondent informed of the developments, if any. As and when Murugesan is secured, he shall be produced before the Judicial Magistrate, No.II, Ramanathapuram under intimation to the petitioner and the third respondent and the learned Magistrate may pass appropriate orders with regard to custody.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

RR

To

1.The Judicial Magistrate No.II,
Ramanathapuram.

2.The Superintendent of Police,
Ramanathapuram District
Ramanathapuram

3.The Deputy Superintendent of Police,
Thiruvadanai.

4.The Inspector of Police,
Thirupalaikudi Police station,
Ramanathapuram District

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

+1 CC to M/s.J.MADHU, Advocate (SR-24465[F] dated 07/06/2022)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-24548[F] dated
08/06/2022)

H.C.P. (MD)No.201 of 2022

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MGJ(16.06.2022) 2P 8C