



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.646 of 2022

R.Divya Bharathy ... Petitioner/wife of detenu
-vs-

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Pattiveranpatti Police Station,
Dindigul District.

3.Senthil ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, to direct the second respondent to produce the body or person of the detenu namely, Ramesh D/o.Jeyaraj, aged 36 years from the illegal custody by the third respondent, before this Court and set him at liberty.

For Petitioner : Mr.S.Moorthy
For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

R. SUBRAMANIAN, J

AND

N. SATHISH KUMAR, J

The petitioner seeks production of the person of her husband Ramesh, aged about 36 years.

2. According to the petitioner, he went missing on 21.01.2021 and despite her complaint, the police has not taken any action to trace him. Even in the affidavit filed in support of the petition, it is stated that the petitioner's husband has borrowed a sum of Rs.3,00,000/- from the third respondent, who is the paternal uncle, and the third respondent was harassing the petitioner's husband seeking repayment of the money borrowed.

<https://hcservices.ecourts.gov.in/hcservices/> learned counsel appearing for the petitioner further



would add that most of the money has been repaid.

4. It appears that there was a wordy quarrel between the third respondent and the detenu on 14.11.2021.

5. Mr. T. Senthil Kumar, learned Additional Public Prosecutor, appearing for the respondents, would submit that the petitioner is not co-operating for enquiry and she is not available at her residence.

6. We find that the very complaint of man missing is designed to defeat the claim of the third respondent. We, therefore, do not see any reason to entertain the Habeas Corpus Petition and hence, this petition is dismissed. However, there will be a direction to the police to pursue the 'Man Missing' case to its logical conclusion.

Sd/-

Vacation Officer (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1. The Superintendent of Police,
Dindigul District.
2. The Inspector of Police,
Pattiveranpatti Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.646 of 2022
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SRK(CO)
KB(17.05.2022) 2P 4C