



HCP(MD)No.1035 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2022

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The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **R.VIJAYAKUMAR**

H.C.P.(MD)No.1035 of 2022

S.Rajasekhar

.. Petitioner / Father-in-law of
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Vs.

1.The Superintendent of Police
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents to produce the petitioner's son-in-law and niece namely, T.Pravin, S/o.Thavasimuthu (aged 44 years) and S.Subanya, D/o.Selvaraj, (aged 39 years) respectively in body or in person before this Court and set them at liberty.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by **R.VIJAYAKUMAR, J.**]

It is the case of the petitioner that his niece Subanya got married to Praveen and they have a daughter. They were running a software company in Gangaikondan, Tirunelveli District and Therrukadai, Tiruvandrum District. While that being so, they went missing from 19.04.2015 and that their whereabouts are not known till date. On these allegations, the present Habeas Corpus Petition has been filed.

2. Today, Mr.K.T.David Robinson, Sub Inspector of Police, Nesamony Nagar Police Station is present.

3. On instructions, the learned Additional Public Prosecutor submitted that on the complaint given by Thavasimuthu, father of Praveen, a case in Nesamony Nagar Police Station Crime No.498/2020 has been registered for 'man and woman missing' and investigation is in progress. The learned Additional Public Prosecutor submitted that on account of some financial dealings, the alleged detenues have gone into hiding.



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4. It is not the case of the petitioner that the alleged detenues are in the illegal custody of the respondents herein. In such view of the matter, no writ of Habeas corpus can be issued. Hence, the Habeas Corpus Petition is closed. However, we direct the Deputy Superintendent of Police, Nagercoil, to supervise the investigation that is being conducted by the Inspector of Police, Nesamony Nagar Police Station Crime No.498/2020 and keep the petitioner and Thavasimuthu informed of the developments, if any. As and when the detenues are secured, they may be produced before the Judicial Magistrate, No.II, Nagercoil, under intimation to the petitioner and Thavasimuthu and the learned Magistrate may pass appropriate orders with regard to custody.

(P.N.P.,J.) (R.V.,J.)
01.07.2022

Internet : Yes
RR



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To

- 1.The Judicial Magistrate, No.II
Nagercoil.
- 2.The Superintendent of Police
Kanyakumari District at Nagercoil.
- 3.The Deputy Superintendent of Police,
Nagercoil, Kanyakumari District
- 4.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH,J.
and
R.VIJAYAKUMAR, J.

RR

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