



W.P(MD)No.15642 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.15642 of 2022

Mathalenal,

: Petitioner

Vs

1. The Superintendent of Police,
O/o. Superintendent of Police,
Kanyakumari District.

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

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to initiate appropriate legal actions based on the petitioner's representations, dated 20.05.2022 and 26.05.2022 in the light of the order passed by the Court Division Bench in H.C.P No. 1454/2014 dated 12.09.2014 within a stipulated time that may be fixed by this Court.



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For Petitioner : M/s. Karunanidhi. R,

For Respondents : Mr.M.Sakthi Kumar,

Government Advocate (Crl.Side)

ORDER

This writ petition has been filed in the nature of Mandamus, seeking a direction to the respondents 1 and 2 to initiate appropriate legal actions based on the petitioner's representations, dated 20.05.2022 and 26.05.2022.

2.The learned Counsel appearing for the petitioner submitted that the petitioner is the wife of the missing husband, namely, Dharmaraj, aged about 74 years. Her husband is a retired Government Veterinary Doctor. On 30.08.2013, he went out of their home and till date, he didn't return to the home. Hence the petitioner lodged a complaint on 02.09.2013 to Thakkalai Police Station and subsequently, on 26.09.2014, the petitioner lodged a complaint to the first respondent and then, she lodged two more complaints on 06.03.2017 and 08.07.2019. But, till now no action has been taken.



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Hence this petition has been filed seeking to register a case and find out her aged husband.

3.The learned Government Advocate (Crl.Side) submitted that on 10.04.2012, the said Dharmaraj gave a letter to the respondent police, stating that he went out of the family and stayed at Velankanni for six months and further stated that he is not willing to live with his wife. Based on that, an FIR in Crime No.245 of 2009, had been closed.

4.The learned Counsel appearing for the petitioner submitted that the petitioner's husband is missing after the closure of the said FIR. Hence, she lodged complaints on 26.09.2014, 06.03.2017 and 08.07.2019.

5.Recording the same, the respondent police is directed to act upon the complaint lodged by the petitioner, register a case and complete the investigation within a period of three months, from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition stands disposed of. No costs.

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Index : Yes / No
Internet : Yes/ No
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V.SIVAGNANAM, J.

lr

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Kanyakumari Distict.
2. The Inspector of Police,
Kotrikodu Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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