



HCP(MD)No.1893 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2022

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1893 of 2022

M.Vembu

.. Petitioner / Wife of the
Detenu

Vs.

1.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

3.The Inspector of Police,
Karimedu Police Station,
Madurai City.

4.Thirumalai

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of detenu Mariyappan, S/o.Muthaiahdevar, aged about 48 years before this Court and set him at liberty.



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For Petitioner
For R1 to R3

:Mr.S.Sivakumar
:Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **N. ANAND VENKATESH,J.**)

M.S.RAMESH,J.

and

N. ANAND VENKATESH,J.

This Habeas Corpus Petition has been filed by the wife of the detenu on the ground that her husband Mariyappan, who went along with the fourth respondent 2 ½ years ago, is missing and that she is not able to get in touch with him through any source.

2.The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint sent by the petitioner through registered post, an enquiry was conducted and it reveals that the husband of the petitioner owed some money to the fourth respondent by executing a promissory note and since the money was not repaid, the fourth respondent has filed a suit in O.S.No.300 of 2022 before the Principal Sub Judge, Tenkasi, against the detenu and the case is now posted for hearing on



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17.11.2022. The learned Additional Public Prosecutor further submitted that the detenu is not under the custody of the fourth respondent and the respondent police will take all steps to find the whereabouts of the husband of the petitioner.

3.In the considered view of this Court, it will suffice if a direction is given to the second respondent to act upon the complaint given by the petitioner and register a man missing FIR and proceed further with the investigation in accordance with the guidelines issued by this Court in ***K.Sukumari-vs-The Superintendent of Police, Virudhunagar District, Virudhunagar***, reported in ***2018(2)-L.W.(Crl)-636***. This Court expects the respondent police to expedite the investigation and find the whereabouts of the detenu as early as possible.

4.This Habeas Corpus Petition is disposed of with the above directions.

(M.S.R.,J.) (N.A.V.,J.)
15.11.2022



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M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.
Ns

To

- 1.The Superintendent of Police,
Tenkasi District.
- 2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
- 3.The Inspector of Police,
Karimedu Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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