



HCP (MD)No.190 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

HCP(MD).No.190 of 2023

E.Ponnaiya

: Petitioner

Vs

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul

: Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the respondents to produce the body or person of the detinue namely Mrs.Jeevitha wife of Ponnaiya aged about 39 years old before this Court and set her at liberty.



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For Petitioner : Mr.A.Chandrakumar
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is legally wedded to one Jeevitha, aged about 39 years (detenue herein). Since she had gone missing from the matrimonial house on 03.01.2023, the petitioner had lodged a complaint before the 2nd respondent, which was registered in Crime No.7/2023 dated 05.01.2023 as 'woman missing' case. Since there was no much progress in the investigation, the present Habeas Corpus Petition has been filed.

2.The learned Additional Public Prosecutor has filed a status report, which revealed that earlier on 03.03.2021, when the detenue had left the house, for which a complaint was registered in Crime No.235/2021. Thereafter the second respondent police had traced the detenue, who had gone along with one Saravanan, S/o.Periyasamy and secured them from Kerala. This is the second occasion, where the detenue has gone missing. In the status report filed by the 2nd respondent, it is stated that the investigation is



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pending and the enquiry reveals that the detenue went along with the same Saravanan and they are in the process of locating them. When the respondents have already registered a case and are in the process of locating the detenue, the appropriate course that is available to the petitioner would be to await for the outcome of the investigation and as and when the detenue is located and produced before the concerned Court, ie., Veda sandur, in connection with Crime No.7/2023, it will be always open to the petitioner to visit her and work out his remedy in accordance with law. It is made clear that as and when the detenue is secured and produced before the concerned jurisdictional Magistrate, they shall also intimate the petitioner in advance in order to facilitate the petitioner to visit her. As such, the prayer seeking for production of the detenue before this Court does not require consideration. Accordingly, this petition is closed.

[M.S.R.,J] [M.N.K.,J]

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Index : Yes / No
Internet : Yes
RR



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Dindigul

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



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