



HCP(MD)No.512 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.512 of 2023

Jothi Mani

.. Petitioner / Wife of the Detenu

Vs.

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

2.The Inspector of Police,
Budalur Police Station,
Budalur,
Thanjavur District.

3.Immanuvel

4.Puratchi Solomon

5.Prasath

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce



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the petitioner's husband Stephen Sagayaraj S/o.Anthonisamy aged about 52 years, who is under the illegal custody of respondents No.3 to 5 and set him at liberty.

For Petitioner : Mr.A.Haja Mohideen
For R-1 and R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor
For R-3 to R-5 : Mr.M.Maran

ORDER

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

The present petition is filed for issuance of a writ of Habeas Corpus to produce the petitioner's husband, Stephen Sagayaraj, S/o.Anthonisamy, aged about 52 years, before this Court.

2. The case of the petitioner is that her husband, namely, Stephen Sagayaraj, has been forcibly taken by the private respondents 3 to 5 herein on 13.11.2022 and thereafter, his whereabouts are not known. Her complaint in this regard has also been registered in Crime No.7 of 2023



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under the caption “man missing”. It is in this background, the present Habeas Corpus Petition has been filed.

3. Pending the Habeas Corpus Petition, this Court had directed the learned Additional Public Prosecutor to file a status report with regard to the averments made by the petitioner as against the private respondents herein.

4. The learned Additional Public Prosecutor would submit that in the investigation conducted by them, it is found that there is a civil dispute between the petitioner's family and the private respondents herein.

5. The learned counsel appearing for the respondents 3 to 5 would submit that the respondents 3 to 5 are no way connected with the present case and the civil dispute between them and the petitioner's family does not give rise to any cause of action for the present Habeas Corpus Petition.

6. The petitioner's complaint is now pending in Crime No.7/2023, which could be treated as a man missing case, for which the investigation is



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in progress. At this stage, the learned Additional Public Prosecutor would submit that the petitioner is not co-operating with the investigation. It is needless to point out that if the petitioner intends to have her husband found, it is her duty to co-operate with the respondent Police during the course of investigation. In this background, the second respondent is called upon to expedite the investigation in Crime No.7/2023 and file a final report as expeditiously as possible.

7. With the above observations, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
26.07.2023

NCC : Yes / No
Index : Yes / No
Lm



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



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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