



HCP(MD)Nos.535 and 649 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2023

CORAM

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

H.C.P.(MD)Nos.535 and 649 of 2023

H.C.P(MD).No.535 of 2023

P.Arivalagan

.. Petitioner / Husband of Detenue

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Sellur Sub Division,
Madurai City,
Madurai.

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

.. Respondents

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



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person or body of the petitioner's wife namely Vimala, W/o.Arivalagan aged about 31 years before this Court and set her at liberty as early as possible.

For Petitioner : No appearance

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

H.C.P(MD).No.649 of 2023

Kumar

.. Petitioner / Father of the Detenu

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Koodalputhur Police Station,
Madurai.

3.Vimala

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents No. 1 and 2 to produce the body of person of the petitioner's son namely Vigneshwaran aged about 25 years before this Court and set him at liberty.

For Petitioner : No appearance

For R-1 and R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor



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COMMON ORDER

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

The facts involved in both the present Habeas Corpus Petitions are one and the same. One Vimala, W/o.Arivalagan (petitioner in H.C.P. (MD).No.535 of 2023) is alleged to have eloped with one Vigneshwaran, S/o.Kumar (petitioner in H.C.P.(MD).No.649 of 2023). While Vimala is aged about 31 years, the boy Vigneshwaran is aged about 25 years.

2. The preliminary investigation reveals that Vimala may have eloped with Vigneshwaran and the respondent Police are in the process of tracing them. The complaint given by Vimala's husband, namely, Arivalagan, has been registered in Crime No.404/2023 dated 12.04.2023 by Sellur Police Station, Madurai, as woman missing. The complaint given by Vigneshwaran's father, namely, Kumar, has been registered in Crime No.382/2023 dated 14.05.2023 by Koodalpuhur Police Station, Madurai, as man missing. In both these HCPs', the grievance of the complainants are that after Vimala/Vigneshwaran had gone missing, they have given a complaint and no effective action has been taken by the Police for tracing



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them. It is not the case of the petitioners that either Vimala or Vigneshwaran are in the illegal custody of someone.

3. Since the grievance of the petitioners only seems to be the inaction on the part of the Police to trace the missing persons, the appropriate remedy would be to invoke Section 482 Cr.P.C and this Court exercising its powers under Article 226 of the Constitution of India will not entertain such a Habeas Corpus Petition, since there are no allegations of illegal custody. However, since the concerned Police have already registered the complaints and they are in the process of investigating, we deem it fit that they could be directed to expedite the investigation and file a final report as expeditiously as possible.

4. It is now stated that both Sellur Police Station and Koodalpuhur Police Station is under the jurisdiction of the Assistant Commissioner of Police, Sellur Range, Madurai. Thus, the Assistant Commissioner of Police, Sellur Range, Madurai can be directed to monitor both the investigation.



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5. Accordingly, the Habeas Corpus Petition stands closed with a direction to the Inspector of Police, Sellur Police Station, Madurai and the Inspector of Police, Koodalputhur Police Station, Madurai to expedite the investigation in Crime Nos.404/2023 and 382/2023 respectively and file a final report as expeditiously as possible. The investigation shall be monitored by the Assistant Commissioner of Police, Sellur Range, Madurai.

(M.S.R.,J.) (M.N.K.,J.)
21.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Assistant Commissioner of Police,
Sellur Sub Division,
Madurai City,
Madurai.
- 3.The Inspector of Police,
Sellur Police Station,
Madurai City,
Madurai.



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4.The Inspector of Police,
Koodalpathur Police Station,
Madurai.

5.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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