



HCP(MD)No.779 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.07.2023

CORAM

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

H.C.P.(MD)No.779 of 2023

A.Gaythri

.. Petitioner /Wife of the Detenu

Vs.

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

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

3.The Indian Coast Guard Station,
No.4, Rajaji Road,
Seethakathi Nagar,
Chennai – 600 003.

.. 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 person or body of the petitioner's husband Mr.A.Ayyappan, Son of Ananchu Pillai, aged 27 years, (Rank Navik/Personal No.13706 Z in Indian Coast Guard) before this Court and set him at liberty.



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For Petitioner : Mr.M.Karunanidhi
For R-1 and R-2 : Mr.R.M.S.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of one A.Ayyappan, whose presence is sought to be secured through the present Habeas Corpus Petition.

2. According to the petitioner, her husband had borrowed Rs.60,00,000/- (Rupees Sixty Lakhs only) on various occasions and thereafter, he went missing from 07.04.2023. She had also given a complaint to the second respondent Police, which has been registered in Crime No.302 of 2023 as “man missing”.

3. It is not the case of the petitioner that her husband is in illegal custody of someone. While that being so, this Court exercising its powers under Article 226 of the Constitution of India will not entertain such a Habeas Corpus Petition, when there are no averments with regard to the



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illegal custody of the petitioner's husband. Now that the second respondent Police had registered the petitioner's complaint in Crime No.302 of 2023, it is always open to her to pursue the pending complaint.

4. Accordingly, this Habeas Corpus Petition stands dismissed.

(M.S.R.,J.) (M.N.K.,J.)
04.07.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
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- 3.The Indian Coast Guard Station,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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