



H.C.P.(MD).No.96 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

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Nagarathinam

.. Petitioner/Wife of Detenu

Vs.

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

2.State represented by,
The Inspector of Police,
Thirupparangundram,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents police to produce body or person of the detenu viz., Mr.Nagaraj, S/o.Manickam aged about 63 years before this Court and set him liberty.

For Petitioner : Mr.C.Adhikesavan

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The petitioner is the wife of one Nagaraj. Alleging that her husband is missing since 01.12.2023, the present Habeas Corpus Petition is filed.

2. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner and her family members are accused in Crime No.31 of 2023 registered on the complaint given by one Keerthika, who is the daughter-in-law of the petitioner herein for the alleged offences under Sections 498(A), 406 and 506(i) of IPC. The said case was registered on the complaint dated 06.11.2023. The learned Additional Public Prosecutor would further submit that to avoid arrest, the entire family is absconding and that they have filed a petition for anticipatory bail before the learned Principal Sessions Judge, Madurai in CrI.M.P.No.103 of 2024. This anticipatory bail petition was filed on 04.01.2024. Later, when the matter came up for consideration, the defacto complainant, Keerthika, filed an intervening petition and strongly opposed for anticipatory bail. As a



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consequence, the petitioner has not pressed the anticipatory bail petition and the same was dismissed as not pressed vide order dated 09.01.2024.

Thereafter, the present Habeas Corpus Petition is filed on 18.01.2024, as if the husband of the petitioner, Nagaraj gone missing and his whereabouts are not known.

3. The learned Additional Public Prosecutor specifically submitted that the petitioner's husband is a wanted accused in Crime No.31 of 2023. Even otherwise, the respondent Police is making a diligent search to secure him for investigation of the said case. In order to wriggle out from the investigation, the present Habeas Corpus Petition is filed, as if Nagaraj is missing since 01.12.2023.

4. This Court directed the petitioner to appear in person to ascertain whether there is any genuineness in this petition and whether her husband along with her had filed the anticipatory bail petition. The petitioner was present before this Court today, but she feigned ignorance about the anticipatory bail petition filed by her along with her husband and daughter in CrI.M.P.No.103 of 2024.



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5. Further, in the affidavit, the petitioner has made allegation against the Police as if her husband after attending the enquiry had gone missing. However, if it is so, in the anticipatory bail petition filed subsequently, it was not even mentioned. But what this Court finds is that they have filed the anticipatory bail petition and have not pressed it when the intervening petition was filed by the defacto complainant.

6. This Court cannot ignore the judicial proceedings, which has now been brought to our notice. As pointed out by the learned Additional Public Prosecutor, the petitioner's husband is a wanted accused in Crime No.31 of 2023 and the Habeas Corpus Petition now filed with suppression of certain facts does not warrant any consideration by this Court. Hence, the Habeas Corpus Petition is dismissed.

(G.J.,J.) (C.K.,J.)
21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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- 1.The Commissioner of Police,
Office of Commissioner of Police,
Madurai.
- 2.The Inspector of Police,
State,
Thirupparangundram,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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