



H.C.P.(MD) No.884 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Athilakshmi

... Petitioner

-VS-

- 1.The Superintendent of Police,
Office of the Superintendent of Police
Virudhunagar District
Virudhunagar
2. The Additional Superintendent of Police
Children and Human Trafficking Wing
Collectorate Complex
Virudhunagar Town and District
3. The Inspector of Police
Thiruthangal Police Station
Thiruthangal
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents herein to secure and produce the person or body of the detinue i.e., the petitioner's husband namely Loganathan, S/o. Perumal aged about 37 years before this Hon'ble Court and set him at liberty



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For Petitioner :Mr.M.Thirunavukkarasu
For Respondents :Mr.R. Meenakshi Sundaram
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed to produce petitioner's husband namely Loganathan, S/o. Perumal aged about 37 years before this Hon'ble Court and set him at liberty.

2. The case of the petitioner is that her husband had gone to Chennai on 21.10.2019 for the purpose of cracker business and he did not return to home. The petitioner tried to contact him over his mobile phone, but his phone was switched off. The petitioner had, earlier, given a complaint in Crime No.640 of 2019 for man missing and after 45 days, her husband was found. Subsequently, on 01.10.2020, the husband of the petitioner had gone to pay interest for jewel loan at Muthoot Finance at Sivakasi, but, he had not returned. The petitioner had preferred a compliant after a period of five months i.e., on 01.03.2021 and the third



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respondent had registered the First Information Report in Crime No. 98 of 2021 for man missing. However, no further action had been taken by the respondents, hence the petitioner had approached this Court.

3. The third respondent has filed a detailed counter.

4. Learned Additional Public Prosecutor would submit that the husband of the petitioner was doing cracker business and also involved in finance business. The husband of the petitioner had also borrowed huge money from various persons and to evade the persons, who had lent money to him, he was absconding. Earlier, the petitioner had given a complaint based on which, a case was registered in Crime No.98 of 2021 for man missing and subsequently, her husband was traced. As far as the present complaint is concerned, on a preliminary investigation, the respondent police had obtained the call details and tower location of the three mobile numbers held by the detenu, having found that the mobile phones were switched off and came to know that before switching off the mobile phone, a text message saying "**don't trace me**" was sent to his brother's mobile. Further inquiry with the Manager of Muthoot Finance Company, Sivakasi, it was found that on 01.10.2020, the detenu had not



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visited the said office. Further investigation reveals that the husband of the petitioner had borrowed Rs.23 lakhs from one Murugan in the year 2018 and that loan was settled only by his father and the detenu is in the habit of borrowing huge amounts from various persons and indulging in gambling and only in order to escape from the clutches of the persons who lent money to him, he had been hiding himself. Further investigation revealed that on the date of his missing viz., on 1.10.2020, he had withdrawn a sum of Rs.10,000/- from his account maintained at Bank of India using his ATM card from the SBI ATM machine located at Bodinayakanoor junction and thereafter, till date, he had not accessed his bank account. The investigation also revealed that the petitioner's husband is also involved in a criminal case in Crime No.732 of 2018 registered under 174 of Cr.P.C., and later altered to Section 306 of IPC. Thereafter, he was arrested on 22.2.2019 and that he was released on bail. Further, Sivakasi Town Police has completed investigation and filed final report before the learned Judicial Magistrate No.I, Sivakasi and the same was taken on file in PRC No.4 of 2021. Summons was issued to the accused persons including the petitioner's husband, who is arrayed as A2 in that case. Sivakasi Police came to know that husband of the petitioner was found missing, thereby the case was split up and taken for trial in respect of other accused persons



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in S.C. No.9 of 2021 for trial. He further submitted that the respondent police are taking sincere steps to trace the missing person. He would submit that as and when the husband of the petitioner was traced, it would be intimated to the petitioner.

5. Recording the submission made by the learned Additional Public Prosecutor, this habeas corpus petition is closed. However, the respondent police are directed to continue with the investigation.

[A.D.J.C., J.]

[K.R.S., J.]

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
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