
(2011) 12 MAD CK 0222
In the Madras High Court
Case No : H.C.P. (MD) No. 848 of 2010

S. Ramalakshmi

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 21-12-2011

Acts Referred:

Citation : (2011) 12 MAD CK 0222

Hon'ble Judges : S. Nagamuthu, J;M. Jaichandren, J

Bench : Division Bench

Advocate : S. Muthal Raj, for the Appellant; S. Sukumaran, CGC for R1 and R2 and Mr. A. Ramar, Additional Public Prosecutor for R3 to R7, for the Respondent

Judgement

S. Nagamuthu, J.—The petitioner claims to be the wife of one Muthuraja. According to her, the marriage between them was solemnized on 24.06.2001. After the marriage, she further claims, they were living together as husband and wife. On 15.09.2010, the petitioner came down to Madeena Nagar, Vava Nagar, Sengottai Taluk and started residing there. She would further state that out of the said wedlock, she has got no issue. Her husband-Muthuraja used to go to various places on account of his work. While so, during the month of January 2010, the petitioner claims that she lastly saw him alive. On the next day of pongal, he told the petitioner that he was going out in connection with his job. While so, according to her, on 15.09.2010 in ?Malai Murasu? Daily, as well as in ? Dinakaran? Daily on 16.09.2010, there were news items stating as though her husband Mr. Muthuraja was murdered in Malaysia. In the newspapers, it was also reported that in respect of the death of Muthuraja, a woman by name Usharani, claims herself to be the wife of Muthuraja, had given a complaint. Thereafter, according to her, she made enquiries with her father-in-law and mother-in-law about the whereabouts of her husband. Since she had doubt about the above news appeared in the newspapers, she preferred a complaint to all the respondents, but no action whatsoever was taken. With this allegation, the petitioner has come up with this Habeas Corpus Petition seeking a direction to

the respondents to produce the body or person of her husband Muthuraja, aged 38 years, and set him at liberty.

2. The Superintendent of Police, Thoothukudi District has filed a Status Report (undated), wherein he has narrated the steps taken by the Police to find out the truth of the allegation. It has also been stated that in order to ascertain the identity of the deceased in Malaysia, D.N.A. Test is also pending, and the local police is in touch with the Malaysian Police in this regard.

3. The learned Additional Public Prosecutor would further submit that so far no case has been registered by the Tamil Nadu Police, probably because of the confusion as to whether the local police has got jurisdiction. Today, he would submit that as per the advise taken from the legal experts, the fourth respondent will direct the Jurisdictional Police to register a case in this regard. The said statement is recorded.

4. The learned Additional Public Prosecutor would further contend that since the cause of action has arisen within the police limits of Valasaravakkam Police Station, appropriate direction will be issued to the Valasaravakkam Police Station. The said statement is also recorded.

5. From the submissions made before this Court, it is seen that 5 the detenu-Muthuraja is missing, and that a dead body was found in Malaysia which is suspected to be that of the detenu-Muthuraja. It is also brought to our notice that investigation is done in respect of the death of Muthuraja by Malaysian Police, alleging that it is a case of murder. Insofar as the Tamil Nadu Police is concerned, now it is submitted by the Additional Public Prosecutor that a case would be registered and the matter would be investigated. Whether the dead body found in Malaysia is that of Muthuraja and whether it is a murder or the death was due to any other offence, is a matter to be investigated by the local police. If the dead body is not that of Muthuraja, the Police will go ahead with the investigation and find out the location of the detenu.

6. In any view of the matter, for the present, no direction as prayed for in this Habeas Corpus Petition could be granted, except issuing a direction to the fourth respondent to issue appropriate instructions to the Jurisdictional Police to register a case in respect of the missing of Muthuraja and investigate the same in accordance with law.

7. The Habeas Corpus Petition is closed with the above direction.