



HCP(MD)No.1400 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1400 of 2023

S.Kannan

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.State rep. by its,
The Inspector of Police,
Austinpatti Police Station,
Madurai District.

3.Suresh

: 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 detenue namely Vasumathi, aged about 40 years, Wife of S.Kannan before this Court and set him at liberty.



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For Petitioner : Mr.A.Senthil Kumar
for Mr.S.Karkkikannan
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed in this Court on 09.11.2023.

2.Factual matrix in a nut shell as per the narrative of the HCP petitioner is that HCP petitioner's wife Vasumathi ['Vasumathi' shall hereinafter be referred to as absentee for the sake of convenience] aged 40 years is missing from 24.05.2023; that the petitioner lodged a complaint dated 07.11.2023 with Austinpatti police station, Madurai District regarding his wife missing; that this complaint was registered and FIR was lodged vide Crime No.124/2023 dated 26.05.2023; that thereafter petitioner sent a representation to second respondent being representation dated 07.11.2023 seeking progress in investigation; that fearing illegal detention of absentee by third respondent [to be noted third respondent is a private respondent] captioned HCP has been filed.



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3.Today, Mr.A.Senthil Kumar, learned Counsel representing the Counsel on record for HCP petitioner reiterated the aforementioned factual matrix.

4.Issue notice to official respondents.

5.Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor accepted notice on behalf of respondents 1 and 2.

6.Learned Prosecutor is instructed by Mr.S.Murugesan, Special Sub-Inspector, Austinpatti Police Station, Madurai. Learned Prosecutor on instructions submitted that the absentee has been located and has now been reunited with the petitioner. The petitioner and absentee were in Court and this Court was informed that absentee is very unwell and requires medical attention. As regards the habeas legal drill, we have to drop the curtains on the captioned HCP but the investigation shall proceed on its own merits and in accordance with law *qua* aforementioned Crime No.124/2023. We are acutely conscious that captioned HCP is being disposed of in the admission Board and therefore, though obvious we make it clear that all the rights and contentions of third respondent remains preserved.



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In other words this habeas legal drill or closure of this HCP will neither impede nor serve as an impetus. Captioned HCP is disposed of as closed capturing what unfurled in the hearing today. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]
16.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Austinpatti Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
H.C.P.(MD)No.1400 of 2023

16.11.2023