

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.1251 of 2015

B.Dhatchayini ..Petitioner/wife of the detenue
Versus

The State rep by
The Inspector of Police
K1 Sembium Police Station
Chennai 600 011 ..Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondent to produce the body of the petitioner's husband N.Balasubramani, S/o Nagaiah, aged about 32 years before this Court and set him at liberty.

For Petitioner : Mr.S.C.Vijayaselvam
For Respondent : Mr.A.N.Thambidurai
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

This petition has been filed seeking a direction to the respondent police to produce the body of the petitioner's husband N.Balasubramani, S/o Nagaiah, aged about 32 years before this Court and set him at liberty.

2. It is the case of the petitioner that her husband, N.Balasubramani, went missing since 03.01.2015, in connection with which on the complaint given by her, a case in K1 Sembium Police Station Cr.No.14 of 2015 for "man missing" was registered and investigation was taken over by Sembium Police. The respondent police have filed a Status Report, wherein they have stated that a body was found in a train accident in the 3rd platform, Perambur, in connection with which a case in Perambur Police Station Cr.No.1 of 2015 under Section 174 Cr.P.C. was registered. At the time of inquest, the Railway Police have taken photographs of the deceased and have complied with other formalities in connection with the train accident. The details

with regard to the case in Cr.No.14 of 2015 was put up in the SCRB website, based on which the photograph of the missing person that was given by the petitioner was compared with the photograph that was taken by the Railway Police in Cr.No.1 of 2015 and it was found to match. The police have stated all these facts in their Status Report and it may be relevant to extract paragraph nos.9, 10 and 11:

"9. I submit that during the course of the investigation, again obtained the details of the unidentified dead bodies through Tamil Nadu Public Network, in that the detenu body was compared with the unidentified dead bodies based on age,

height, size and colour, likewise one unidentified body was matched with the detenu body.

10. I submit that during the course, the investigation reveals that the missing date of the detenu is 28.12.2014 and on the same day the detenu was admitted at Stanley Hospital due to train accident at 3rd platform, Perambur and due to failure of medical treatment, the detenu was died on 01.01.2015 and the case in Perambur P.S. Cr.No.1/2015 u/s 174 Cr.P.C. was registered on the same day."

3. The petitioner, however had entertained certain doubts with regard to the identity of the person and had made a request to the Sub Inspector of Police, Railway Police Station, Perambur, Chennai seeking DNA profiling. Based on her request, the Railway Police, Perambur has sent the blood samples drawn from the two sons of the petitioner, for DNA profiling.

4. Under such circumstances, we are of the view that this is not a case of illegal detention warranting issuance of Habeas Corpus. Accordingly, this Habeas Corpus Petition is closed with a direction to the respondent police to proceed with the investigation in the matter and keep the petitioner informed about the status.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
K1 Sembium Police Station
Chennai 600 011.

2.The Public Prosecutor
High Court, Chennai.

+ 2 ccs to Mr.S.C. Vijayaselvam, Advocate Sr.67367

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