

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2015

CORAM

The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.2968 of 2015

N.P.Thulasi Rajkumar

.... Petitioner

Vs.

1. The Inspector of Police,
J.J. Nagar Police Station, V-3,
J.J.Nagar, Chennai - 600 037.
2. Assistant Commissioner of Police,
Thirumangalam Police Station, V-5,
Chennai.

...Respondents

PETITION Under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents herein to produce Mr.R.Rajkumar S/o.Late V.G.Rajan,
aged about 40 years, husband of the petitioner herein before
this Court and set him at liberty.

For Petitioner : Mr.A.Abdul Rahim

For Respondents: Mr.A.N.Thambidurai,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the wife of the
detenu for a direction to the respondents to produce the
detenu Mr.R.Rajkumar S/o.Late V.G.Rajan, aged about 40 years,
husband of the petitioner before this Court and set him at
liberty.

2. It is seen that the petitioner's husband went missing in the year 2009 and the petitioner is stated to have sent a complaint through post on 20.10.2015 to the respondent police. The petitioner has not explained the long delay in preferring a complaint. However, under Section 154 of the Code of Criminal Procedure, a complaint has to be given in person to the jurisdictional police. Since there is no allegation of illegal custody of the alleged detenu by any one, we are of the view that it is not a fit case warranting issuance of Writ of Habeas Corpus.

3. Accordingly, this petition stands closed giving liberty to the petitioner to lodge a fresh complaint in person before the Inspector of Police, J.J. Nagar, Police Station, J.J.Nagar, Chennai. On such complaint being preferred, the same shall be enquired into and action taken in accordance with law.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
J.J. Nagar Police Station, V-3,
J.J.Nagar, Chennai - 600 037.
 2. The Assistant Commissioner of Police,
Thirumangalam Police Station, V-5,
Chennai- 600 049.
 3. The Public Prosecutor, High Court, Madras.
- + 1 cc to M/s. A. Abdul Rahim, Advocate SR.63596

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H.C.P.No.2968 of 2015

MP(CO)
EU 10.12.15