

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.3672 of 2014

N.Chitra

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Petitioner

Versus

1.State rep by
Inspector of Police
E-5, Sholavaram Police Station
Thiruvallur District.

2.The Superintendent of Police
Thiruvallur District
Thiruvallur.

3.Srinivasalu

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 to 3 herein to produce the body or person of the petitioner's husband by name Nagaraj aged about 28 years and set him at liberty and restore him to the petitioner's custody.

For Petitioner : Mr.R.Balakrishnan

For RR 1 and 2 : Mr.A.N.Thambidurai
Addl. Public Prosecutor

For R3 : Mr.S.Gowri Shankar

ORDER

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

The above petition has been filed by the petitioner/wife of the detenu, to cause production of her husband, Nagaraj, aged about 28 years and set him at liberty.

2.It is the case of the petitioner that her husband Nagaraj aged about 28 years went missing on 06.03.2014, in connection with which a case in Cr.No.252/2014 for "man missing" has been

registered by the first respondent police and the investigation is in progress. The first respondent police have filed a Status Report detailing the steps taken by them for securing the detenu, which is as follows:

"(vi) The then Inspector of Police deputed Tr.Ganesan, H.C.518 and Tr.K.Venkatesan-Special Sub Inspector of Police to search the detenu. They went to detenu's paternal uncle residence located in Rainigoonda, Chittoor District, Andhra Pradesh, when enquired they have informed they doesn't know whereabouts of the detenu. Further they went to Rainigoonda Urban P.S., Tirupathi, Chittoor, C.R.B.Office, and given pamphlets along with the detenu's photo and affixed in all important places where people would gather in huge numbers i.e., Bus Stand, Railway Station, Auto Stand, Schools, Market, Hospitals, etc., in spite of the above efforts, the whereabouts of the detenu Nagaraj is not known.

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5. I submit that, after I assumed charge on 20.03.2015 and I taken up this case for investigation to trace the detenu:

(i) On 29.04.2015 I deputed Tr.Venkatesan/Special Sub-Inspector of Police to search the detenu. He went to in and around various places located in Chennai by showing pamphlets along with the detenu's photo and affixed in all important places where people would gather in huge numbers i.e., Bus Stand, Railway Station, Auto Stand, Schools, Market, Hospitals etc. In spite of the above efforts, the whereabouts of the detenu Nagaraj is not known.

(ii) On 30.06.2015, I deputed Tr.Nagaraj/Head Constable 1121: He went to Chennai Control Room and Crime Record Bureau by showing pamphlets alongwith detenu's photo, but no clue was obtained.

(iii) On 19.08.2015, I deputed special team to search the detenu in various Railway stations viz., Ponneri, Gummidipoondi, Minjur and Ennore and they saw the unidentified dead bodies photos, but no clue was obtained.

(iv) On 09.10.2015, I deputed special team to search the detenu in various Railway stations viz., Arakkonam, Thiruvallur, Thirunindravur and Avadi and they saw the unidentified dead bodies photos, but no clue was obtained.

(v) On 04.12.2015 I deputed Tr.L.K.Rao/Special Sub-Inspector of Police to trace the detenu in his native located in Kammavaripalayam Village, Sillalkooru P.S.Limit, Andhrapradesh. He made oral enquiry with the detenu's relations viz., (i) Tmt.Subamma-close relation (ii) Tr.Venkatesa Naidu (iii) Ravanaiah - Neighbours, which reveals that after marriage as usual visit by the detenu to his native, the detenu informed to his relatives that he did not interest to lead his family life with the petitioner. Further they have stated that from the date of missing i.e., on 06.03.2014, they did not saw the detenu and they doesn't know whereabouts of the detenu."

3.In view of the above, we are of the opinion that there is no illegal detention of the said Nagaraj, warranting issuance of Writ of Habeas Corpus. Accordingly, this petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No. 252 of 2014 and keep the petitioner informed of the developments, if any.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gms

To

1.The Inspector of Police
E-5, Sholavaram Police Station
Thiruvallur District.

2.The Superintendent of Police
Thiruvallur District
Thiruvallur.

3.The Public Prosecutor
High Court, Chennai.

HCP.No.3672 of 2014

MSM (CO)
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