

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM:

The Hon'ble Mr.Justice M.Jaichandren
and
The Hon'ble Mr.Justice S.Baskaran

H.C.P.No.733 of 2016

Azagi Venkataraman

Petitioner

Vs

State of Tamil Nadu, rep.by

1. The Superintendent of Police,
Dharmapuri, Dharmapuri District.
2. The Inspector of Police,
Harur Police Station,
Dharmapuri District.
3. Moorthy. ... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus, to direct the respondents to produce the petitioner's husband Venkataraman, Son of Chinnandi, aged 49 years, who is illegally detained by the third respondent, before this Court and set him at liberty.

For Petitioner : Mr.K.Gandhikumar

For Respondents 1 and 2 : Mr.V.M.R.Rajentren
Additional Public Prosecutor

For Respondent-3 : No appearance

O R D E R

(Order of the Court was made by M.Jaichandren,J.)

This Habeas Corpus Petition had been filed, praying that this Court may be pleased to issue a direction to respondents 1 and 2 to produce the body and person of her husband Venkataraman, aged about 49 years, said to be in the illegal custody of the third respondent, and to set him at liberty.

2. The petitioner has stated that her husband, who was a coolie worker, had gone missing, during the month of November, 2015. It has been alleged that the third respondent had taken the husband of the petitioner to the State of Andhra Pradesh, as a labourer. However, as the petitioner did not know the whereabouts of her husband, she had filed a complaint before the second respondent. As no action had been taken by the second respondent, the petitioner has preferred the present Habeas Corpus Petition.

3. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing for the first and the second respondents.

4. A status report has been filed by the Superintendent of Police, Dharmapuri District, and the details relating to the matter has been narrated in para Nos.7, 8 and 9, of the said report, which read as follows:-

"7. I submit that on my direction, the above said Tr.A.S.Jaffur Hussain, Inspector of Police has been formed a special team, consisting Tr.Nagaraj, Special Sub Inspector of Police and Tr.Sivan, Grade I Police 445 and they went to Chittoor District, Andhra Pradesh and enquired about the detenu and collected the details of unidentified dead bodies from the period of 2013 to 2014 from the District Crime Branch, Chittoor District, and found that, one unidentified dead body case was registered in Chandragiri Police Station at Tirupathi Urban District, in Crime No.256 of 2013, under Section 174 Cr.P.C. (Drowning) on 13.12.2013.

The photos of the dead body and other documents in Crime No.256 of 2013 of Chandragiri Police Station were collected and the photos of the corpse were shown to the petitioner/complainant and the same was identified by her as her husband on 18.09.2016 and recorded her statement.

8. I submit that, as per the direction of the Hon'ble Division Bench of this Court, Madras, a case was registered against the third respondent in Harur Police Station, in Crime No.600 of 2016, for offence under Sections 367, 117 and 176 IPC by Tr.A.S.Jaffur Hussain, Inspector of Police on 2.10.2016, at 14.00 hours and he took up investigation.

9. I submit that, based on the statements of the witnesses and F.I.R. copy with regard to Crime No.256 of 2013 of Chandragiri Police Station, Andhra Pradesh State, I came to know that the occurrence, i.e. the death of the detenu was happened on 13.12.2013, but the petitioner/complainant lodged a complaint before the then Superintendent of Police on 05.10.2015 and also she filed this Petition before this Court on 04.04.2016. After a lapse of 2 1/2 years from the date of occurrence, i.e. death of detenu, the petitioner/complainant filed this petition before the Hon'ble Division Bench of this Court. Hence, we could not be able to bring the petitioner/complainant to the scene of occurrence at Andhra Pradesh to identify the detenu."

5. In view of the status report filed by the Superintendent of Police, Dharmapuri District, dated 03.10.2016, we do not find any cause or reason to keep the matter pending. In the given facts and circumstances of the case, we find it fit to close the Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sd
To:

1. The Public Prosecutor,
Madras High Court, Madras.
2. The Superintendent of Police,
Dharmapuri, Dharmapuri District.
- 3 The Inspector of Police,
Harur Police Station, Dharmapuri District.

+1cc to M/S K.Gandhikumar, Advocate, Sr.58572

H.C.P.No.733 of 2016

SSJ(CO)

RVR 12/11/2016