

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

H.C.P. No.324 of 2017

Mrs.Maheswari

.. Petitioner

vs.

State rep. by
The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam,
St. Thomas Police District,
Chennai - 600 088

.. Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the relief as stated therein. To issue a writ or direction or in the future of writ of Habeas corpus for directing the respondent to find out and produce P. Tamilmani, S/o. Panaiyan aged about 42 years, who was residing at No.49, Parameswari Nagar, 2nd Street, Adambakkam, Chennai 600 088, who has been missing from 10.07.2016 and to produce the said person.

For petitioner : Mr.S.A.Rajan
For respondents : Mr.V.M.R.Rajentren, (for R1)
Additional Public Prosecutor.

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

P.Tamilmani, husband of the writ petitioner Mrs.Maheswari was missing from 10.07.2016. Hence, a complaint has been lodged on 09.11.2016 to S8- Adambakkam Police Station, Adambakkam, Chennai, registered as FIR No.2557 of 2016. According to the petitioner, though he has been visiting the police station regularly, investigation was static. Since 10.07.2016, her husband is missing for nearly 8 months. According to the petitioner, left with no other alternative, a Writ of Habeas

Corpus is sought for.

2. On 27.02.2017, we orally directed Mr.VMR Rajentren, learned Additional Public Prosecutor to get instructions from the Inspector of Police, S8-Adambakkam Police Station, Adambakkam, Chennai.

3. Reverting, he submitted that complaint given by Mrs.Maheswari was registered as FIR No.2557 of 2016 under the caption 'man missing'. Thereafter, enquiry was conducted. Mrs.Maheswari - wife, Mr.Panayan and Mrs.Manimala - parents, Mr.Arivarsan - brother and Mrs.Andal - mother-in-law of the missing person, were enquired.

4. Enquiry revealed that on two earlier occasion, Mr.P.Tamilmani was missing from his house and thereafter, returned on his own. Learned Additional Public Prosecutor further submitted that Mr.Arivarasan - brother and Mrs.Andal - mother-in-law of the missing person, have stated that the missing person was not of sound mind. He further added that the police have published the photograph of the missing person in the official website, as well as in the newspaper. Respondent is taking active steps to find out the missing person.

5. Mrs.Maheswari-wife and Mrs.Manimala, mother of the missing person, present in Court were enquired. We also perused the statements of the abovesaid persons made under Section 161(ii) Cr.P.C.

6. Material on record discloses that brother-in-law and mother-in-law of the writ petitioner have categorically stated that missing person was not of sound mind. All the five persons who had given statement under Section 161 Cr.P.C. have stated that on earlier two occasions, he went out of the house on his own accord and returned. No doubt, he is missing. There is no allegation of illegal detention. Even from the supporting affidavit filed, it could be seen that though P.Tamilmani, was missing from 10.07.2016 about 6.00pm., complaint is stated to have been given on 09.11.2016 i.e., after four months, probably hoping that P.Tamilmani, would return home. When that did not happen, complaint has been given.

7. Though a Writ of Habeas Corpus cannot be issued in these type of matters, where it is a case of man missing, we would only state that police has got a duty also to find out the whereabouts of a man missing. In the case on hand, since 8 months P.Tamilmani, is missing. Police is directed to ascertain from the hospitals, asylums and such other places, where there is a possibility of the missing person being found and given treatment, if he is of unsound mind.

8. Inspector of Police, S8-Adambakkam Police Station, Adambakkam, Chennai, is directed to take all possible steps and expedite investigation in Cr.No.2257 of 2016.

9. With the above directions, this Habeas Corpus Petition is disposed of. Petitioner is directed to provide, all assistance to the police, including mobile numbers of friends and others.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam,
St. Thomas Police District,
Chennai - 600 088

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.A. Rajan, Advocate, S.R.No.13971

ev(CO)
md(16/03/2017)

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HCP No.324 of 2017

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