

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.2526 of 2016

S.Malliga

.. Petitioner

Vs

The State rep. by Inspector of Police,
K-7, ICF Police Station
Integral Coach Factory,
ICF, Chennai - 600 038.

.. Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus or any other writ or order in the nature of Writ directing the respondent to produce the body of the petitioner's husband M.Sivalingam, aged 58 years before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.T.Sundaranathan

For respondents : Mr.V.M.R. Rajendran
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of one Mr.M.Sivalingam, aged about 58 years. Mr.M.Sivalingam is a mentally ill person. According to the petitioner, Mr.Sivalingam used to leave the house without informing anybody and to return home after 10 or 15 days. This time, on 02.08.2016, he left the house and thereafter, he did not return home. Therefore, the petitioner has come up with this Habeas Corpus Petition as Mr.Sivalingam, has not been secured by the respondent Police, despite complaint.

2.A status report dated 15.02.2017 has been filed by the Inspector of Police, K-7 ICF Police Station, Chennai. We have

also gone through the same. It is crystal clear that Mr.Sivalingam is a mentally ill person and on his own, he has gone out and the whereabouts of him are being searched by the respondent Police. It is not the case that Mr.Sivalingam was illegally detained by anybody. Therefore, no relief as prayed for by the petitioner could be granted instead, we direct the respondent Police to continue the investigation.

3.In the result, the Habeas Corpus Petition is closed however, with a direction to the respondent Police to continue the investigation.

s/d-
Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
K-7, ICF Police Station
Integral Coach Factory,
ICF, Chennai - 600 038.
2. The Public Prosecutor,
High Court, Chennai.

+1 CC to Mr. T. Sundaranathan, Advocate sr 16128

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