

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

And

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2003 of 2017

V.Mekala Devi

.. Petitioner

Vs.

1. The State rep. by
Inspector of Police,
D1 Chenglepet Police Station,
Kancheepuram District.

2. The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondent police to trace out and produce the petitioner's husband namely, Vellaipuerumal, aged about 58 years, before this Court and set him at liberty.

* * *

For Petitioner : Mr.P.Chandrasekar

For Respondents: Mr.V.M.R.Rajentran,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

(Order of the Court was made by RAJIV SHAKDHER,J.)

1. On the last date of hearing, we had made the following observations in the matter :

"1. Mr.V.M.R.Rajentran, learned Additional Public Prosecutor has filed Status Report dated 22.11.2017.

2. The status report shows that the detenu and the petitioner, who is his wife, have had matrimonial discord. Concededly, the detenu left the petitioner, way back in 2009.

2.1. The petitioner, however, filed a complaint about the detenu, having gone missing with the police, only on 17.05.2013.

3. Furthermore, the police seems to have made efforts, thereafter, to locate the detenu, but, (to) no avail.

4. Paragraph-12 of the status report states that the detenu did not report for duty to the Organisation, in which he was employed i.e., Highways Department, Chenglepet, as he had misappropriated Government property, worth Rs.1,37,033/- (Rupees one lakh thirty seven thousand and thirty three only). The detenu, has thus, been missing, since, 10.09.2009.

5. In these circumstances, the learned Additional Public Prosecutor will gather further information as to whether or not the departmental enquiry was commenced against the detenu and whether or not it reached culmination.

6. Fresh status report will be filed before the next date of hearing.

7. Re-notify the matter on 05.01.2018."

2. Pursuant to the aforesaid observations, the official respondents have filed a status report dated 03.01.2018. The said report has affirmed the fact that the detenu has not reported for duty, since 10.09.2009.

3. To be noted, as observed in our order dated 24.11.2017, the detenu was employed with the Highways Department, Chengalpet.

3.1. Furthermore, the status report also alludes to the fact that a proceeding has been initiated in respect of alleged misappropriation of government property by the detenu.

3.2. This aspect has also been noticed by us in our proceedings dated 24.11.2017.

4. A copy of the proceedings (Tamil version) of the Highways Department, dated 27.12.2017, has also been placed before us by Mr.V.M.R.Rajentran, learned Additional Public Prosecutor. The proceedings show that the detenu was suspended from service on 27.06.2013, inter alia, for remaining absent unauthorisedly.

4.1. The instant petition, as candidly admitted by the learned counsel for the petitioner, was initiated only to have the State place on record the fact that the detenu has been missing for a period of more than seven (7) years, so that, the petitioner could secure the benefits, that according to her, were due to the detenu.

4.2. Since, the status report has been filed, where this

aspect alluded to by the State, learned counsel for the petitioner says that he has instructions to convey to the Court that the petitioner does not wish to press the matter any further.

5. Accordingly, as submitted by the learned counsel for the petitioner, this petition is closed, with a direction that the State will continue to pursue the investigation in Crime No.258 of 2015, as mandated by law. To be noted, the said case was registered based on the complaint of the petitioner that the detainee had gone missing from 10.09.2009.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Inspector of Police,
D1 Chenglepet Police Station,
Kancheepuram District.
2. The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
3. The Additional Public Prosecutor,
Madras High Court, Chennai.

+1CC to Mr.P.Chandrasekar (SR.No.1259)

H.C.P.No.2003 of 2017

PVS (CO)

ah (03/02/2018)

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