

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 04.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.272/2019

E.Parvathy

..Petitioner

Versus

The Inspector of Police
Salavakkam Police Station
Kancheepuram District.

..Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondent herein to produce the body and person of the detenu by name Elumalai, son of Perumal, aged about 47 years before this Court and set him at liberty.

For Petitioner : Mr.R.Ramamoorthy

For Respondent : Mr.C.Iyyappa Raj, APP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is the wife of the detenu and alleging that her husband aged about 47 years, is missing for the past ten days prior to 26.07.2018, has lodged a complaint on the file of the respondent police, based on which a case in Cr.No.194/2018 came to be registered under ''man missing''.

2 Learned counsel for the petitioner would submit that though nearly 5 months had lapsed, no progress in the investigation is shown and no steps have been taken to trace her missing husband.

3 Mr.C.Iyyappa Raj, learned Additional Public Prosecutor accepts notice on behalf of the respondent and would submit that as and when the detenu is traced, he will be produced before the jurisdictional Magistrate Court for passing appropriate orders.

4 The Court has considered the rival submissions and also perused the materials placed before it.

5 A perusal of the contents of the FIR as well as the affidavit would disclose that it not even the case of the petitioner that her husband has been illegally detained/in custody of somebody. However, taking into consideration the anxiety exhibited by the petitioner, who happens to be the wife of the detenu, this Court directs the respondent police to accord priority and investigate the case in accordance with law and file the final report before the jurisdictional Magistrate Court as expeditiously as possible and in the interregnum, if the detenu is traced, he shall be produced before the jurisdictional Magistrate Court for passing appropriate orders.

6 The Habeas Corpus Petition stands disposed of accordingly.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Inspector of Police
Salavakkam Police Station
Kancheepuram District.

2.The Public Prosecutor
High Court, Madras.

HCP.No.272/2019

rrs 25/02/2019