

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.413 of 2019

Thoulath Begam

... Petitioner

-vs-

1. The Deputy General of Police,
DGP Office, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
 2. The Superintendent of Police,
Superintendent Office Building,
Cuddalore District.
 3. The Deputy Superintendent of Police,
Deputy Superintendent Office, Neyveli,
Cuddalore District.
 4. The Inspector of Police,
Madharakuppam Police Station,
Neyveli, Cuddalore District.
 5. Ravi Vathyar @ Bhuvaneshwar,
 6. Veerappan
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the 4th respondent to produce the petitioner's husband Mr.Akbar Ali (Age 37), S/o.Abdul Muthalip, before this Hon'ble Court.

For Petitioner : Mr.M.Senthamizh Selvan

For Respondents : Mr.C.Iyyapparaj,
Additional Public Prosecutor

ORDER

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

The petitioner is the husband of the detenu, namely Mr.Akbar Ali, aged about 37 years and according to her, her husband was

doing business in plastics and had business dealings with the respondents 5 and 6 and some misunderstanding arose between them and the fifth respondent started making unreasonable demand for return of the money and in the event of failure, threatened her husband with dire consequences. The husband of the petitioner also lodged a complaint to the police on 07.01.2019 and some time thereafter, he was found missing. The petitioner, in this regard, has lodged a complaint on the file of the fourth respondent police, based on which a case in Crime No.4/2019 was registered for "Man Missing". The petitioner, alleging that her husband is under illegal custody at the hands of the respondents 5 and 6, came forward with this Habeas Corpus Petition.

2. The Habeas Corpus Petition was entertained on 26.02.2019 and notices were ordered. When the matter is called today, the detenu is produced and on enquiry, he would state that with regard to business dealings, there was some borrowals and on the account of the same, misunderstanding developed between the petitioner and the respondents 5 and 6 and they asked him to part with some properties and fearing for his well being and safety, he left his home and would further add that, he is willing to return to his home.

3. The learned counsel appearing for the respondents 5 and 6 has specifically denied the allegation as to the alleged illegal detention of the detenu at their hands and would further add that the detenu has borrowed money and failed to repay the same and steps would be taken in accordance with law to recover the same from the detenu.

4. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 to 4 would state that the detenu is indebted to very many persons and in order to evade repayment, he has absconded himself and very many complaints are received in that regard and those complaints are assigned CSRs and enquiry is on.

5. In the light of the fact that the detenu is traced and he has also expressed his willingness to join the petitioner/wife, no further orders are necessary. Hence, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Deputy General of Police,
DGP Office, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
2. The Superintendent of Police,
Superintendent Office Building,
Cuddalore District.
3. The Deputy Superintendent of Police,
Deputy Superintendent Office, Neyveli,
Cuddalore District.
4. The Inspector of Police,
Madharakuppam Police Station,
Neyveli, Cuddalore District.
5. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.Jeyachithra, Advocate, S.R.No.35166

+1 cc to M/s.A.Kanakavelappan, Advocate, S.R.No.35258

H.C.P.No.413 of 2019

KK(CO)
SSM(21/05/2019).



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