

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.1273 of 2017

P.Nathiya

.. Petitioner

Versus

1.The Inspector of Police,
Male Chengam Police Station,
Thiruvannamalai District.

2.V.Basha

3.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

4.The State of Andhra Pradesh,
rep.by its Secretary,
Home Department.

... Respondents

(R3 &R4 are impleaded as per the orders dated 06.09.2017 &
26.10.2017 in H.C.P.No.1273/2017)

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 1st respondent to produce the body of his husband, namely, Pandian aged about 26 years and his cousin namely Vallarasu aged about 18 years before this Court by issuing a Writ of Habeas Corpus and to set her at liberty.

For Petitioner : Mrs.T.Dharani

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

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

The petitioner filed this Habeas Corpus Petition to trace the detenues namely Pandian, who is the husband of the petitioner aged about 26 years and his cousin namely Vallarasu aged about 18 years and according to her, both of them are missing from 13.05.2017 onwards and efforts made by her to contact through mobile also failed for the reason that their mobile phones were switched off. Originally, a C.S.R was registered and since, no worthwhile progress is shown, came forward to file this Habeas Corpus Petition.

2. The Habeas Corpus Petition was entertained and Status Reports have also been filed.

3. The Additional Chief Secretary to Government, Home, Prohibition and Excise Department, has also filed a Status Report dated 13.02.2018 and it would disclose that the photos of the detenu along with the personal details have also been sent to the forest/prison authorities of Kadappa District, Andhra Pradesh and continuous strenuous efforts have been taken to trace the missing person. The Status Report of the 1st respondent would also disclose that all-out efforts have been taken to trace the detenues.

4. Mr.C.Iyyapparaj, the learned Additional Public prosecutor appearing for the State has also produced a communication of the Superintendent of Police, YSR District, Kadappa, Andhra Pradesh dated 21.03.2019 bearing C.No.29/ADDL.S.P.(OPERN)-KDP/2019, addressed to the 1st respondent and the contents of the same would disclose that no such persons with the above details have been cited as an accused in any crime and at no point of time, the above named persons were apprehended by any of the police mentioned above. There is no specific allegation as to the illegal custody / detention at the hands of some persons.

5. In the light of the Status Reports coupled with the communication of the Superintendent of Police, YSR District, Kadappa, dated 21.03.2019, this Court is of the considered view that no useful purpose would be served by keeping this Habeas

Corpus Petition pending. Accordingly, the Habeas Corpus Petition is closed. However, as and when the detenues are traced, the 1st respondent shall take appropriate steps to produce them before the jurisdictional Police for passing appropriate orders.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sk

To

- 1.The Inspector of Police,
Male Chengam Police Station,
Thiruvannamalai District.
- 2.The Secretary,
State of Andhra Pradesh,
Home Department.
- 3.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
- 4.The Public Prosecutor
High Court, Madras.

HCP.No.1273 of 2017

srg 04/06/2019

सत्यमेव जयते

WEB COPY