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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.263 of 2020

Mrs.Thangamani ... Petitioner

Vs

1.State Rep. by,
The Superintendent of Police,
Tiruppur District.

2.The Inspector of Police,
All Women Police Station, Udumalpet,
Tiruppur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents for the production of the petitioner's husband Mr.Senthil Kumar, son of Sundaram aged about 39 years before this Court and to set him at liberty forthwith.

For Petitioner : Mr.P.Kalimuthu.

For Respondents: Mr. R. Prathap Kumar,
Additional Public Prosecutor.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioner has come before this Court seeking for production of her missing husband viz., Mr.Senthil Kumar before this Court.

2.When the matter is called today, the petitioner along with her daughter as well as the father-in-law and mother-in-law of the petitioner are present before this Court. The petitioner

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alleges that her husband is in custody of her in laws. However, they have submitted that their son is not with them and they are also in search of their son.

3.It is seen that the in laws of the petitioner are aged persons and it is absolutely not possible for them to hide their son. Moreover, the Inspector of Police also submitted that the detenu is not in custody of his parents and he has been missing for the past ten years and no clue is found yet. Further, the President of the village where the petitioner is residing, is also present before this Court and submitted that about ten years ago, the petitioner's husband went missing and thereafter, he is not found till date. Hence, the prayer sought for cannot be granted.

4.However, since petitioner seeks for a declaration under Section 108 of the Indian Evidence Act, 1872, the Inspector of Police is directed to give a non-traceable report to the petitioner and the petitioner shall approach before the concerned Civil Court.

5.With the above observations, this Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tiruppur District.

2.The Inspector of Police,
All Women Police Station, Udumalpet,
Tiruppur District.

3. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

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