

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.665 of 2021

P.Ramakrishnan

.. Petitioner

Vs.

1. The Commissioner of Police,
Chennai City,
Chennai.

2. State represented by
The Inspector of Police,
T-4, Mangadu Police Station,
Chennai - 600 122.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the petitioner's wife viz., Yogeshwari, aged about 29 years and minor child viz., Neeraj, aged about 5 years, before this Court and set them at liberty.

For Petitioner : Mr.L.K.Charles
: Alexander

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

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 2nd respondent to produce the petitioner's wife viz., Yogeshwari, aged about 29 years and minor child viz., Neeraj, aged about 5 years, before this Court and set them at liberty.

2. It is the case of the petitioner that his wife Yogeshwari, aged about 29 years and minor child Neeraj, aged about 5 years, went missing from some time in the year 2019 on Ayudha Pooja day and their whereabouts are not known.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a petition enquiry in Mangadu Police Station C.S.R.No.426 of 2021 was conducted, in which, Yogeshwari appeared on 21.01.2021 and again on 26.04.2021 in the police station and stated that she is living with her mother along with Neeraj at Door No.101, Leelavathi Nagar Extension, Sikarayapuram, Managadu, Chennai - 69 and her Mobile No.63094 18980. He further submitted though intimation was given to the petitioner about the appearance of Yogeshwari in the police station, he did not appear in the police station.

4. Since Yogeshwari is not in the illegal custody of anyone, writ of habeas corpus cannot be granted.

Hence, this habeas corpus petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

nsd
To

1.The Commissioner of Police,
Chennai City,
Chennai.

2.The Inspector of Police,
T-4, Mangadu Police Station,
Chennai - 600 122.

3.The Public Prosecutor,
High Court, Madras.

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RSI (CO)
SP(29/06/2021)