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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.1423 of 2020

B.Lakshmi
W/o.B.Balu Krishna Rao

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by
The Deputy Commissioner of Police,
Adayar, Chennai - 600 020.

2.The Assistant Commissioner of Police,
Neelankarai,
Chennai - 600 115.

3.The Inspector of Police,
Neelankarai,
Chennai - 600 115.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner's husband viz., B.Balu Krishna Rao, aged about 39 years and set him at liberty.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

This petition has been filed seeking a direction to the respondents to produce the petitioner's husband viz., B.Balu Krishna Rao, aged about 39 years and set him at liberty.

2. On 03.09.2021, we passed the following order:

'It is the case of the petitioner that her husband viz., B.Balu Krishna Rao, who was working in the construction sector as a daily wager, went missing from 03.07.2018 and that his whereabouts are not known. In this regard, the petitioner has sent a complaint dated 10.12.2019, by post to the Neelankarai Police Station and thereafter, filed this petition. In the complaint dated 10.12.2019, the petitioner has stated that she gave a complaint to the police in August 2018 itself, but, she does not have a copy of it.

2. Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) refuted the above contention of the petitioner and stated that the petitioner had not given any complaint in August 2018 and that for the first time, she has sent a complaint dated 10.12.2019, by post.

3.The fact remains that no FIR for man missing has been registered so far. Therefore, we direct the petitioner to go in person and lodge a complaint to the Inspector of Police, J-8 Neelankarai Police Station, about the missing of her husband from 03.07.2018, without making any allegations against the police for alleged inaction and on such complaint being given, the Inspector of Police, J-8 Neelankarai Police Station, shall register a regular FIR for man missing. In the FIR, it is open to the police to say 'வாதியால் தாமதம்'.

Post this matter on 17.09.2021 "for reporting compliance".'

3. Today, when the matter was taken up for hearing, learned counsel for the petitioner submits that the petitioner gave a written complaint to the police, based on which, a case in J8 Neelankarai P.S.Crime No.703 of 2021 has been registered for 'man missing'.



4. Learned Additional Public Prosecutor appearing for the State also affirms the said submission.

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5. In view of the above, we direct the Assistant Commissioner of Police, Neelangarai, to supervise the investigation in J8 Neelangarai P.S.Crime No.703 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenu is secured, he shall be produced before the Judicial Magistrate II, Alandur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders.

With the above direction, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate II, Alandur.

2.The Deputy Commissioner of Police,
Adayar, Chennai - 600 020.

3.The Assistant Commissioner of Police,
Neelankarai, Chennai - 600 115.

4.The Inspector of Police,
Neelankarai, Chennai - 600 115.

5.The Public Prosecutor, High Court, Madras.

+1CC to Mr.R.Ramesh, Advocate, SR.No. 47951

H.C.P.No.1423 of 2020

MG(CO)

B.VC (12/10/2021)