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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.1135 of 2021

S.Helen Mary

...Petitioner

Vs.

1. The Inspector of Police,
T-5, SRMC Police Station,
Porur, Chennai - 600 116.

2.B.Nagaraj

3.R.Lakshmi

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first respondent to produce the body of the petitioner's husband D.Selvaraj, aged about 42 years, before this Court from the custody of the 2nd and 3rd respondents and set him at liberty.

For Petitioner : Mr.K.Shivakumar

For R1 : Mr.R.Muniyapparaj
Govt.Advocate
(Crl.Side)

ORDER

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

This habeas corpus petition has been filed seeking to direct the first respondent to produce the body of the petitioner's husband D.Selvaraj, aged about 42 years, before this Court from the custody of the 2nd and 3rd respondents and set him at liberty.

2. It is the case of the petitioner that her husband Selvaraj, aged about 42 years, was forcibly abducted by the 2nd and 3rd respondents on 11.11.2020 and his whereabouts are not known.



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3. It is the grievance of the petitioner that she sent a complaint to the first respondent/police and that they did not take any action thereon and hence, she has filed the present habeas corpus petition with the above prayer.

4. When the matter came up for hearing on 28.07.2021, the learned Government Advocate (Crl.Side) submitted that the first respondent/police did not receive any complaint from the petitioner and therefore, we passed the following order on 28.07.2021:

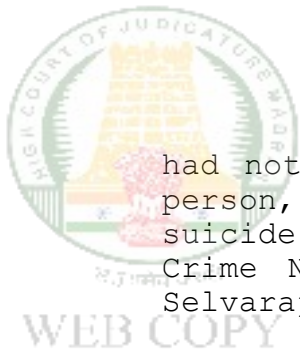
"The petitioner is directed to go in person and lodge a written complaint to the first respondent/police. On such complaint being filed, the first respondent/police shall register a regular FIR for 'man missing' and conduct investigation.

2. The learned Government Advocate (Crl.Side) is directed to issue necessary instructions to the first respondent/police in this regard.

Post the matter on 11.08.2021."

5. Today, D.Ravi Kumar (Mobile No.94981 30080), Inspector of Police (L & O) and Vasudevan (Mobile No.94981 29396), Sub-Inspector of Police, T-15, SRMC Police Station, Chennai - 56, are present before this Court.

6. On instructions, the learned Government Advocate (Crl.Side) submitted that the petitioner came to the police station on 29.07.2021 and gave a written complaint, based on which, a case in T-15, SRMC Police Station Crime No.732 of 2021 for 'man missing' was registered and during the course of enquiry, it came to light that Nagaraj, third respondent herein, had purchased the house jointly owned by the petitioner and her husband Selvaraj and there was a dispute with regard to the payment of the part of the sale consideration; during enquiry, the petitioner gave a statement that she had gone with her husband to Maharashtra and returned to Chennai by train on 01.01.2021 and at the Chennai Central Railway Station, her husband left her company; this fact has not been disclosed in the affidavit of the petitioner. He further submitted that Nagaraj is very much available and the investigation revealed that he had not abducted Selvaraj as alleged by the petitioner; that apart, there are several criminal cases pending against Selvaraj, inasmuch as he had involved himself in online share transaction and had collected monies from various persons and



had not returned the same. It is his further submission that a person, to whom money was due from Selvaraj, has committed suicide, for which, a case in P-6, Kodungaiyur Police Station Crime No.199 of 2021 is pending investigation, in which, the Selvaraj has been shown as A3.

In such view of the matter, we do not find any merit in this habeas corpus petition and the same stands dismissed. As and when the detenu Selvaraj, is secured, he shall be produced before the jurisdictional Magistrate in Kodungaiyur Police Station Crime No.199 of 2021.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Inspector of Police,
T-5, SRMC Police Station,
Porur, Chennai - 600 116.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police[Cr.No.199/21],
P-6, Kodungaiyur Police Station,
Chennai.

+2ccs To Mr.K.Shivakumar, Advocate, Sr.40235

H.C.P.No.1135 of 2021

NR[co]
NSK 03/09/2021