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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE S.SRIMATHY

H.C.P.No.1665 of 2021

C.Rajammal
W/o.Cheeralan

...Petitioner

Vs.

1. The State represented by
The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2. The State represented by
The Inspector of Police,
Thiruvottiyur Police Station,
Chennai.

3. Suresh

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus seeking a direction to the second respondent to produce the petitioner's husband Cheeralan, aged about 71 years, before this Court, who is now in the illegal detention and custody of the third respondent herein and set him at liberty.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
[R1 & R2]

ORDER

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

This petition has been filed seeking a direction to the second respondent to produce the petitioner's husband Cheeralan, aged about 71 years, before this Court, who is now in the illegal detention and custody of the third respondent herein and set him at liberty.



2. It is the case of the petitioner that her husband Cheeralan, aged about 71 years, went missing since 08.08.2018 and that his whereabouts are not known till date.

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3. Today, Mr.A.Mohammed Irfan, Sub-Inspector of Police, H8 Thiruvottiyur Police Station, is present.

4. On instructions, learned Additional Public Prosecutor submits that on the complaint given by the petitioner, a case in Thiruvottiyur P.S.Crime No.971 of 2018 was registered on 09.08.2018 for 'man missing' and investigation is in progress. It is also brought to the notice of this Court that, earlier the petitioner filed a Habeas Corpus Petition in H.C.P.No.1843 of 2018, in which this Court has passed the following order on 14.08.2019:

'Seeking a direction to the respondent to produce the detenu, namely, Cheeralan, Son of Viswanathan, aged about 68 years before this Court and set him at liberty, the Habeas Corpus Petition has been filed by the wife of the detenu.'

2.We have perused the status report filed by the respondent. A case has been registered in Cr.No.971 of 2018 for man missing and the investigation is pending. The status report also indicates the steps taken so far.

3. As more than one year has elapsed, we are not inclined to keep this petition pending any longer. Accordingly, the Habeas Corpus Petition stands closed with a direction that the respondent shall go on with the investigation and make all endeavors to trace the detenu. As and when the detenu is secured, he should be produced before the concerned jurisdictional Magistrate.'

5. We are unable to understand as to how this Habeas Corpus Petition is maintainable inasmuch as it is not the case of the petitioner that the alleged detenu is in the illegal custody of the police. This is a case of man missing, for which, a regular First Information Report has been registered and investigation is in progress.

6. Accordingly, we direct the Assistant Commissioner of Police, Thiruvottriyur, to supervise the investigation that is being conducted by the Inspector of Police, Thiruvottiyur Police Station, in Crime No.971 of 2018 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, Thiruvottriyur, 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(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Judicial Magistrate,
Thiruvottriyur.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
3. The Assistant Commissioner of Police,
Thiruvottriyur.
4. The Inspector of Police,
Thiruvottriyur Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.RMR Indian Law Firm, Advocate, S.R.No.54971

H.C.P.No.1665 of 2021

SJ[co]
NSK 09/11/2021