



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.NO.2002 OF 2021

C.Baskar

...Petitioner

Vs.

1.The Commissioner of Police,
Chennai City,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to secure and produce the petitioner's wife Kalpana, aged 39 years and two minor sons Yathesh, male, aged 8 years and Yuthesh, male, aged 5 years, before this Court and set them at liberty.

For Petitioner : Mr.R.Damodaran

For Respondents : Mr.R.Muniyapparaj,
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 secure and produce the petitioner's wife Kalpana, aged 39 years and two minor sons Yathesh, male, aged 8 years and Yuthesh, male, aged 5 years, before this Court and set them at liberty.

2. It is the case of the petitioner that he got married to Kalpana and through the wedlock, he has two children Yathesh, aged about 8 years and Yuthesh, aged about 5 years. Yathesh is said to be suffering from congenital blindness.



3. It is the grievance of the petitioner that his wife and children went missing from 04.08.2021 and they are illegally detained by one Senthil @ Kumaraguru.

4. Today A.Adhi Kesavan (Mobile No.98408 37329), Head Constable 36007, M-5, Ennore Police Station, Chennai, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Ennore Police Station Crime No.675 of 2021 has been registered on 05.08.2021 for 'women and boy' missing and during the course of investigation, it came to light that Kalpana had approached W-34, All Women Police Station, Ennore, with a complaint against the petitioner. The police directed her to approach the Inspector of Police, Ennore Police Station, where, the FIR in Crime No.675 of 2021 is pending. Accordingly, on 07.08.2021, Kalpana is said to have appeared before the Inspector of Police, Ennore Police Station and has given a statement that she is not in the illegal detention of anyone and she is living with her children in the house of a friend.

6. The learned counsel for the petitioner submitted that the petitioner does not even know the address of Kalpana and his children and his eldest son Yathesh was studying in Little Flower Convent for Deaf and Dumb in Chennai.

Taking into consideration all the facts and circumstances of the case, we direct the Inspector of Police, M-5, Ennore Police Station, to produce Kalpana, aged about 39 years and her children viz., Yathesh, aged about 8 years and Yuthesh, aged about 5 years, before the Judicial Magistrate Court, Thiruvotriyur, under intimation to the petitioner. On such production, the learned Magistrate shall conduct enquiry and pass orders in accordance with law. The learned Magistrate shall ensure that the correct address of Kalpana is furnished to the petitioner. Thereafter, it is open for the parties to work out their remedies in the manner known to law.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Thiruvotriyur.



2.The Commissioner of Police,
Chennai City,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Dhamodaran, Advocate SR.No.64758

H.C.P.No.2002 of 2021

CA(CO)
RVM(27/12/2021)