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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

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

H.C.P.NO.2011 OF 2021

Fathimuthu Johara

...Petitioner

Vs.

- 1.The Commissioner of Police,
O/o.The Commissioner of Police,
Egmore, Chennai - 600 008.
- 2.The Inspector of Police,
J-3, Guindy Police Station (Crime),
Chennai - 600 032.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st and 2nd respondents to produce the petitioner's husband Sheik Abdulkader, S/o.Nagoor Mahideen, aged about 36 years, before this Court and set him at liberty.

For Petitioner : Ms.S.Lakshmi

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 respondents to produce the petitioner's husband Sheik Abdulkader, S/o.Nagoor Mohideen, aged about 36 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her husband Sheik Abdulkader, aged about 36 years, went missing from 28.09.2020 and that the police are not taking effective steps to secure him.



3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner a case in Guindy Police Station Crime No.883 of 2020 was registered on 10.10.2020 for 'man missing' and during the course of investigation, it came to light that the detenu Sheik Abdulkader has eloped with one Madhina Banu, wife of Ubaizar Karunai; on a complaint given by Ubaizar Karunai, a petition enquiry in Maraimalai Nagar C.S.R.No.1705 of 2020 was registered.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, Guindy, to supervise the investigation in Guindy Police Station Crime No.883 of 2021 and keep the petitioner informed of the developments, if any. As and when the Sheik Abdulkader and Madhina Banu are secured, they shall be produced before the IX Metropolitan Magistrate Court, Saidapet, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

nsd

To

- 1.The IX Metropolitan Magistrate,
Saidapet.
- 2.(do through) The Chief Metropolitan Magistrate,
Egmore,
Chennai.
- 3.The Assistant Commissioner of Police,
Guindy,
Chennai.
- 4.The Commissioner of Police,
O/o.The Commissioner of Police,
Egmore,
Chennai - 600 008.
- 5.The Inspector of Police,
J-3, Guindy Police Station (Crime),
Chennai - 600 032.



6.The Public Prosecutor,
High Court,
Madras.

+1cc to M/s.S.Lakshmi, Advocate SR.No.65761

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KG(CO)
RVM(17/12/2021)