



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.1962 of 2021

Noor

.. Petitioner

Vs.

1.The Assistant Commissioner of Police
Assistant Commissioner Office
St. Thomas Mount
Chennai

2.The Inspector of Police
Pallikaranai Police Station
St. Thomas Mount
Chennai 600100

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of habeas corpus directing the respondents Police to secure and produce the petitioner's husband viz., Nijamudeen, aged about 57 years, before this Court and set him at liberty.

For Petitioner : Mr.G.Mohammed Aseef
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed seeking a direction to the respondents to produce the petitioner's husband viz., Nijamudeen, aged about 57 years, before this Court and set him at liberty.

2. This is the 2nd Habeas Corpus Petition, the earlier petition in H.C.P.No.1673 of 2021 having been closed by this



Court on 26.10.2021 with the following directions :

"Under such circumstances, this Habeas Corpus Petition is closed with a direction to the Assistant Commissioner of Police, St. Thomas Mount, to supervise the investigation that is being conducted in Pallikaranai P.S.Crime No.708 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, Alandur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detenu."

3. It is the grievance of the petitioner that the police are not showing any interest in tracing the whereabouts of her husband and therefore, she has filed the present Habeas Corpus Petition.

4. In our considered opinion, this petition is not maintainable for the simple reason that, the petitioner's husband is not in the illegal custody of anyone, much less, the respondent police. A writ of habeas corpus can be maintained, only where it is shown that a person is in the illegal custody of another person or authority. In this case, the petitioner's husband has gone missing and the police have registered a case in Pallikaranai P.S.Crime No.708 of 2021 and are investigating the case in accordance with law.

In view of the above, this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Commissioner of Police
Assistant Commissioner Office
St. Thomas Mount, Chennai

2.The Inspector of Police
Pallikaranai Police Station
St. Thomas Mount, Chennai

3.The Public Prosecutor, High Court, Madras

H.C.P.No.1962 of 2021

PM(CO)

A.SK(10.12.2021)