



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.67 of 2022

M.Suresh

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the S.P.,
Chengalpattu District.

2.The Inspector of Police,
Perumbakkam Police Station,
St.Thomas Mount,
Chengalpattu District.

3.Surendran

4.The Inspector of Police
Pallikaranai Police Station
Chennai

.. Respondents

(Suo motu impleaded as R4 by Court on 20.01.2022)

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the petitioner's wife S.Anitha, aged 32 years, either in body or person before this Court and set her at liberty.

For Petitioner : Ms.Thangavadhana

For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the respondents 1 and 2 to produce the petitioner's wife S.Anitha, aged 32 years, either in body or person before this Court and set her at liberty.



2. It is the case of the petitioner that he got married to Anitha around fourteen years ago, which was a love marriage and through the wedlock, he has two children viz., Sundharanathan and Angel Mary, aged about 14 and 12 years, respectively; he was a Painter on daily wages and due to COVID-19 pandemic, he was out of employment and therefore, he started an eatery near his house for his wife Anitha and she was running it for some time; later, Anitha developed intimacy with Surendran, third respondent herein and eloped with him sometime in August 2021; on he lodging a police complaint, she was secured and was handed over to him. It is the further case of the petitioner that his wife has again gone missing from 05.12.2021 and that the police are not taking effective steps to secure her.

3. On instructions, the learned Additional Public Prosecutor submitted that earlier when Anitha went missing, on the complaint given by the petitioner, a case in Tiruvannamalai Chetpet Police Station Crime No.747 of 2021 for 'woman missing' was registered and Anitha was secured and handed over to the petitioner. As regards the present instance, the learned Additional Public Prosecutor submitted that the complaint given by the petitioner to the Deputy Commissioner of Police, St.Thomas Mount Police Station, has been forwarded to the Inspector of Police, Pallikaranai Police Station, who has registered a petition enquiry in C.S.R.No.1977 of 2021.

4. Since the Inspector of Police, Pallikaranai Police Station, Chennai, is not a respondent before us, we are suo motu impleading him as the fourth respondent.

5. We direct the Inspector of Police, Pallikaranai Police Station, Chennai, to register a regular FIR for 'woman missing' in C.S.R.No.1977 of 2021 and take effective steps to secure Anitha. As and when Anitha, aged about 32 years, is secured, she shall be produced before the Judicial Magistrate Court No.II, Alandur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

With the above directions, this habeas corpus petition stands closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

nsd



To

- 1.The Judicial Magistrate No.II,
Alandur.
- 2.The Superintendent of Police,
Office of the S.P.,
Chengalpattu District.
- 3.The Inspector of Police,
Perumbakkam Police Station,
St.Thomas Mount,
Chengalpattu District.
- 4.The Inspector of Police,
Pallikaranai Police Station,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.67 of 2022

AJS (CO)
GMY (23/02/2022)