



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.423 of 2022

P.Kamsala

..Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvallur District.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvallur District.

3. The Inspector of Police,
Thiruvalangadu Police Station,
Thiruvalangadu, Thiruvallur District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the man M.Hari, son of Murugesan, aged about 64 years, before this Court and to set him at liberty and to direct the respondents to surrender the custody of the man viz., M.Hari to his wife viz., P.Kamala (petitioner).

For Petitioner : Mr.R.Rangarajan

For Respondents : 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 to produce the petitioner's husband M.Hari, son of Murugesan, aged about 64 years, before this Court and to set him at liberty.



2.It is the case of the petitioner that her husband Hari, aged about 64 years, went missing from 10.01.2018 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 Thiruvallangadu Police Station Crime No.44 of 2018 was registered on 13.02.2018 for 'man missing' and investigation is in progress.

4.In the opinion of this Court, in a case of this nature, a writ of habeas corpus cannot be issued, as it is not the case of the petitioner that the respondents have detained her husband Hari illegally.

5.We can, at the most, direct the Investigating Officer to proceed with the investigation in Thiruvallangadu Police Station Crime No.44 of 2018 in accordance with law.

In the result, this habeas corpus petition stands closed with a direction to the Inspector of Police, Thiruvallangadu Police Station, to monitor the investigation in Thiruvallangadu Police Station Crime No.44 of 2018 and keep the petitioner informed of the developments, if any. As and when M.Hari, son of Murugesan, aged about 64 years, is secured, he shall be produced before the Judicial Magistrate Court, Thiruttani, 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(CCC)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Thiruttani,
Thiruvallur District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvallur District.



3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvallur District.

4. The Inspector of Police,
Thiruvalangadu Police Station,
Thiruvalangadu, Thiruvallur District.

5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.423 of 2022

GPL (CO)
RGA (30/03/2022)