



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.513 of 2022

R.Sundari

...Petitioner

Vs.

1.The Superintendent of Police,
J-12, Kanathur Police Station,
Kanathur.

2.State represented by
The Inspector of Police,
Kanathur.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the body of the detenu/petitioner's husband A.Surya @ Prathap (aged about 23 years) before this Court and set him at liberty.

For Petitioner : Ms.S.Yogalakshmi

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 body of the detenu/petitioner's husband A.Surya @ Prathap (aged about 23 years) before this Court and set him at liberty.

2. The petitioner claims to be the wife of the detenu Surya @ Prathap and it is her grievance that Surya @ Prathap went missing from 02.03.2022 and thereafter, his whereabouts are not known.



3. On these allegations, the petitioner has filed the present habeas corpus petition.

4. Today, T.Sathish Kumar (Mobile No.8778321260), Sub-Inspector of Police, J-12, Kanathur Police Station, Kancheepuram District, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a petition enquiry in C.S.R.No.68 of 2022 has been registered by the Inspector of Police, J-12, Kanathur Police Station, Kanathur and during the course of enquiry, it came to light that Surya was in love with one Sandhiya, who herself is a married lady with a child and has eloped with her; in connection with the missing of Sandhiya and her child, on a complaint given by the husband of Sandhiya viz., Mohan, a case in SIPCOT Police Station Crime No.39 of 2022 has been registered on 06.03.2022 for 'woman and girl' missing.

6. Since the alleged detenu Surya @ Prathap is not in the illegal custody of the respondents, no writ of habeas corpus can be issued.

7. However, we direct the Deputy Superintendent of Police, Gummidipoondi Sub-Division, Thiruvallur District, to supervise the investigation in SIPCOT Police Station Crime No.39 of 2022 and keep the petitioner and Mohan, husband of Sandhiya, informed of the developments, if any. As and when Surya @ Prathap, Sandhiya and her child, are secured, they shall be produced before the Judicial Magistrate Court No.I, Gummidipoondi, Thiruvallur District, under intimation to the petitioner and Mohan. 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

- 1.The Judicial Magistrate No.I,
Gummidipoondi,
Thiruvallur District.
 - 2.The Deputy Superintendent of Police,
Gummidipoondi Sub-Division.
Thiruvallur District.
 - 3.The Superintendent of Police,
Kanathur.
 - 4.The Inspector of Police,
J-12, Kanathur Police Station,
Kanathur.
 - 5.The Public Prosecutor,
High Court, Madras.
- +1 CC to M/s.S. Yogalakshmi, Advocate sr 21662.

H.C.P.No.513 of 2022

PMK (CO)
SP (13/04/2022)