



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.510 of 2022

Apshana Syed Ali

...Petitioner

Vs.

1.The Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.

3.Latha

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents herein to produce the body or person of the petitioner's brother S.Apsar, S/o.Syed Ali, aged 22 years, before this Court from the illegal custody of the 3rd respondent herein and hand over the petitioner's brother S.Apsar and set him at liberty.

For Petitioner : Mr.R.Balakrishnan

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 herein to produce the body or person of the petitioner's brother S.Apsar, S/o.Syed Ali, aged 22 years, before this Court from the illegal custody of the 3rd respondent herein and set him at liberty.



WEB COPY

2. It is the case of the petitioner that her brother Apsar, aged about 22 years, went missing from 25.02.2022 and that the police are not taking effective steps to secure her.

3. Today, M.Natha Muni (Mobile No.98407 16508), Sub-Inspector of Police, P-5, MKB Nagar Police Station, Chennai, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint sent by the petitioner by post, a case in MKB Nagar Police Station Crime No.147 of 2022 was registered on 26.02.2022 for 'man missing' and during the course of investigation, it came to light that Apsar was in love with one Oviya, who was living in the next street and has eloped with her and got married to her; also uploaded his marriage photograph in Instagram.

5. In such view of the matter, it cannot be stated that Apsar is in the illegal custody of the respondents for the issuance of a writ of habeas corpus.

6. However, we direct the Assistant Commissioner of Police, MKB Nagar Sub-Division, Chennai, to supervise the investigation in MKB Nagar Police Station Crime No.147 of 2022 and keep the petitioner, informed of the developments, if any. As and when Apsar and Oviya, are secured, they shall be produced before the X Metropolitan Magistrate Court, Egmore, Chennai, 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsd



To

1.The X Metropolitan Magistrate,
Egmore, Chennai.

2.The Assistant Commissioner of Police,
MKB Nagar Sub-Division, Chennai.

3.The Commissioner of Police,
Vepery, Chennai - 600 007.

4.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Balakrishnan, Advocate sr 21560.

H.C.P.No.510 of 2022

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