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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM

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

H.C.P.NO.667 OF 2022

Nirmala

.. Petitioner/Wife of Detenue

Vs.

1. The Deputy Commissioner of Police,
Madhavaram, Chennai.
2. The Inspector of Police,
Redhills Police Station,
Chennai.
3. B.Harikrishnan

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent herein to produce the petitioner's husband Devaraj, S/o.Balaraman, aged 53 years, before this Court and set him at liberty from the illegal custody of the third respondent.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.M.Babu Muthumeeran,
1 and 2 Addl. Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking a direction to the second respondent herein to produce the petitioner's husband Devaraj, S/o.Balaraman, aged 53 years, before this Court and set him at liberty from the illegal custody of the third respondent.



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2. It is the case of the petitioner that her husband Devaraj, aged about 53 years, is in the illegal custody of the third respondent and that the police are not taking effective steps to secure him.

3. Even according to the petitioner, her husband got separated from her and living in his brother's house, third respondent herein. Now, according to the petitioner, for the last twenty five days, he is not available in the house of the third respondent also.

4. Today, V.Ramu (Mobile No.94981 32639), Grade I 30866, Redhills Police Station, Chennai, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that earlier the petitioner's husband went missing, in connection with which, a case in Iyanavaram Police Station Crime No.25 of 2018 has been registered on 17.01.2018 and thereafter, the petitioner's husband returned home and stated that he would not live with the petitioner, but, would live with the third respondent. He further submitted that on a complaint given by the petitioner now, a case in Redhills Police Station Crime No.211 of 2022 has been registered on 17.03.2022 for 'man missing' and during the course of investigation, it came to light that the petitioner's husband is not in the house of the third respondent.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Redhills Sub-Division, Chennai, to supervise the investigation in Redhills Police Station Crime No.211 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Devaraj, aged about 53 years, is secured, he shall be produced before the Judicial Magistrate Court No.II, Ponneri, Chennai, 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(CS-III)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Judicial Magistrate No.II,
Ponneri, Chennai.
2. The Deputy Superintendent of Police,
Redhills Sub-Division, Chennai.
3. The Deputy Commissioner of Police,
Madhavaram, Chennai.
4. The Inspector of Police,
Redhills Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.Muruganantham, Counsel for the Petitioner,
S.R.No.29155

H.C.P.No.667 of 2022

KJ(CO)
RLP(17/05/2022)