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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.673 of 2022

Tamilselvi

.. Petitioner

Vs.

1. State represented by the
The Superintendent of Police,
Krishnagiri, Krishnagiri District.

2. The Inspector of Police,
All Women Police Station,
Burgur, Krishnagiri District.

.. Respondents

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 person and body of the petitioner's husband T.Surya, S/o.Thirupathy, aged about 22 years, before this Court and set him at liberty.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.M.Babu Muthumeeran,
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 person and body of the petitioner's husband T.Surya, S/o.Thirupathy, aged about 22 years, before this Court and set him at liberty.

2. It is the case of the petitioner that she got married to Surya on 08.09.2019 and that he has gone missing from 14.01.2022 and hence, she has filed the present habeas corpus petition.



3. Today, K.Shanthi (Mobile No.94981 70724), Sub-Inspector of Police, All Women Police Station, Burgur, Krishnagiri District, is present.

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4. On instructions, the learned Additional Public Prosecutor submitted that on account of marital discord, the petitioner's husband left the company of the petitioner earlier sometime in January 2021, in connection with which, on a complaint given by the petitioner, a petition enquiry in C.S.R.No.52 of 2021 was registered and during the course of enquiry, Surya appeared before the police on 10.11.2021; the petitioner and Surya were given counselling and Surya agreed to live in the petitioner's natal home in Natrampalli and they both left for Natrampalli; while so, it is now alleged that Surya has once again gone missing.

5. It is not the case of the petitioner that Surya is in the illegal custody of the respondents for the issuance of a writ of habeas corpus. Hence, no writ of habeas corpus can be issued.

6. However, we direct the petitioner to go in person and lodge a written complaint to the second respondent/police and on such complaint being lodged, the second respondent/police shall register a regular FIR for 'man missing' and conduct usual investigation in accordance with law.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
2. The Inspector of Police,
All Women Police Station,
Burgur, Krishnagiri District.



3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.28552

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