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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.1831 of 2021

B.Dhanalakshmi

...Petitioner/Wife of Detenue

Vs.

1.Harish

2.The Inspector of Police,
D-3, Palur Police Station,
Kancheepuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first and second respondents to produce the petitioner's husband Parthasarathy, son of Pandurengan, aged 41 years, who is detained illegally by the first respondent before this Court and set him at liberty.

For Petitioner : Mr.V.Paarthiban

For R2 : 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 first and second respondents to produce the petitioner's husband Parthasarathy, son of Pandurengan, aged 41 years, who is detained illegally by the first respondent, before this Court and set him at liberty.

2. It is the case of the petitioner that her husband Parthasarathy, aged about 41 years, who is a Painter, went to purchase new clothes on 02.11.2021 around 7.30 p.m. and did not return. Alleging that the police are not taking effective steps to secure Parthasarathy, the present habeas corpus petition has been filed by the petitioner.



3. Today, M.Kothandan (Mobile No.94442 25656), Sub-Inspector of Police, D-3, Palur Police Station, Chengalpattu District, is present.

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4. The Inspector of Police, D-3, Palur Police Station, has filed a status report dated 30.11.2021, wherein, it is stated that on a complaint given by the petitioner, a case in D-3, Palur Police Station Crime No.422 of 2021 has been registered on 03.11.2021 for 'man missing' and the following steps have been taken for tracing the petitioner's husband:

"12) It is submitted that on 09.11.2021, the special team under the headed of the Sub-Inspector of Police went to Chengelpet, Vallam, Melleripakkam, Nemmali, Keerapakkam, Thirukazhukumddram, Paramasivam nagar, Mullikulathur, Kariacherry, Vengapakka, Sadras, Kalpakkam, Pudhupattinam, but no clue was obtained.

13) It is submitted that on 10.11.2021, the Sub-Inspector of Police examined the following witnesses and recorded their statement

1) Mr.Prakash - Manager of S.S.M. Crusher

2) Mr.Dhanasekar - Secureity of S.S.M. Crusher

3) Mr.Rose - Security of S.S.M. Crusher

All of them stated that they have seen one person walking on the way nearby their Crusher in the CCTV footage only, but they have not seen him directly.

14) It is submitted that on various days i.e. 12.11.2021, 14.11.2021, 15.11.2021, 16.11.2021, 17.11.2021, 19.11.2021, 21.11.2021, 23.11.2021, the Sub-Inspector of Police along with the police team went to the various places of TASMAs, Hospitals and its Mortuaries, Bus Stand, Railway Station, Auto Stand, etc., in and around Chengalpattu, Kanchipuram, Tiruvallur, Chennai.

15) It is submitted that on 14.11.2021, the Sub-Inspector of Police have matched the photo of the detenu with the unidentified dead bodies which has been displaying in CCTNS (Crime and Criminal Tracking Network System). No clue was obtained.

16) It is submitted that on 21.11.2021, the Sub-Inspector of Police given the details of the detenu to Doordarshan to telecast and All India Radio to broadcast and the same is under progress."



5. We are satisfied with the steps that are being taken by the police for tracing the missing person.

6. It is not the case of the petitioner that her husband is in the illegal custody of the respondents herein and hence, no writ of habeas corpus can be issued.

7. Therefore, this habeas corpus petition stands closed with a direction to the Assistant Superintendent of Police, Chengalpattu Sub-Division, to supervise the investigation in Palur Police Station Crime No.422 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenu Parthasarathy, aged about 41 years, is secured, he shall be produced before the Judicial Magistrate Court No.I, Chengalpattu District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsd
To

- 1.The Judicial Magistrate No.I,
Chengalpattu District.
 - 2.The Assistant Superintendent of Police,
Chengalpattu District.
 - 3.The Inspector of Police,
D-3, Palur Police Station,
Kancheepuram District.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.V.Paarthiban, Advocate sr 20192.

H.C.P.No.1831 of 2021

SKM(CO)
SP(07/04/2022)