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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.No.2164 of 2021

Dhivya
W/o.Manoharan

.. Petitioner

Vs.

1. The Superintendent of Police,
Sathuvachari,
Vellore.

2. The Inspector of Police,
Virinchipuram Police Station,
Vellore District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents herein to produce the petitioner's husband, namely, Manoharan, aged 33 years, before this Court and set him at liberty.

For Petitioner : Mr.C.Anbu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the respondents herein to produce the petitioner's husband, namely, Manoharan, aged 33 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her husband Manoharan, a Havildhar in Indian Army, came to his native village on casual leave on 20.10.2021. On 18.11.2021, he went in



his motorcycle bearing registration No.TN-23-BA-3729 for purchasing school uniform for his children and while crossing the Palar river, he is said to have been swept away by the flooded river, which was in spate during that period. On a complaint lodged by the petitioner, a case in Virinchipuram P.S.Crime No.207 of 2021 was registered for 'man missing'. Alleging that the police are not properly conducting the investigation, the petitioner has filed the present petition.

3. Admittedly, the petitioner's husband is not in the illegal custody of the respondents and therefore, no writ of habeas corpus can be issued. However, Mr.K.Nilavazhagan, Inspector of Police, Vellore Taluk Circle, Virinchipuram Police Station, Vellore District, has filed a detailed status report dated 28.01.2022 narrating the steps that were taken by the police to trace the body of Manoharan, but in vain.

4. It may be relevant to extract paragraph Nos.8 to 13 from the status report dated 28.01.2022:

'8) It is submitted that on 21.11.2021, the Special Sub Inspector of Police Tr.Elangovan, Virunchipuram Police Station along with detenu's Father namely Tr.Rama Moorthi and his Father-in-law namely Tr.Jeya Kumar went to the Mortuaries of Government Medical College and Hospital - Vellore District and Wallajah Government Hospital, Ranipet District for the purpose of identification the detenu. But there is no fruitful information.

9) It is submitted that on 23.11.2021, as per the request of the District Collector, Vellore, NDRF [National Disaster Response Force] team by way of Helicopter for 1 day searched for the detenu. Also searched for the detenu's bike namely Honda CBZ bearing registration no.TN23BA3729 driven by the detenu at the time of occurrence, but no clue was obtained.

10) It is submitted that during the period of 18.11.2021 to 25.11.2021, the Village Assistant, Virunchipuram Taluk, Vellore gave a caution notice to the public regarding heavy flow of water in the Virunchipuram Palar River by way of Dhandora.

11) It is submitted that during the period of 19.11.2021 to 25.11.2021, as per the direction of the Thasildhar, Anaicut Taluk, the Revenue Inspector, Virunchipuram along with Village Administrative Officer, Virunchipuram and Village Assistant, Virunchipuram search the detenu in the following



places namely Virunchipuram, Poigai, Unpoondi and Melmanur. But there is no fruitful information.

12) It is submitted that on 21.12.2021, the Sub Inspector of Police Tr.Mohan search the detenu by showing his photo in the nearest village namely Vada Virunchipuram, Latheri Gate, Thirumani, Senur, Karukamputhur, Kilmanur, Unpoondi, Poigai. But no clue is obtained.

13) It is submitted that though all the efforts and steps are being taken to trace the missing detenu viz., Manoharan and the same is in progress. Once the Detenue is traced, he will be produced before the Hon'ble Court in accordance with law.'

5. We are convinced that the administration had taken and is also continue to take effective steps to trace the body of Manoharan. However, we direct the Inspector of Police, Virinchipuram Police Station, Vellore District [second respondent herein] to proceed with the search for a reasonable time and thereafter, if they are not able to make any headway in the case, a closure report may be filed before the jurisdictional Magistrate in Virinchipuram P.S.Crime No.207 of 2021 stating that the police have not been able to trace Manoharan as that could help the petitioner in getting some terminal benefits from the employer of her husband.

With the above direction, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Superintendent of Police,
Sathuvachari,
Vellore.



2. The Inspector of Police,
Virinchipuram Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.C.Anbu, Advocate, S.R.No.6056

H.C.P.No.2164 of 2021

SSN(CO)
SU(09/02/2022)