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H.C.P.No.2145 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2145 of 2022

M.Prema

.. Petitioner

Vs

1.The Deputy Commissioner of Police,
Kallakurichi, Kallakurichi District.

2.The Inspector of police,
Chinnasalem police Station,
Chinnasalem, Kallakurichi District.

3.A.Annamalai

4.Vasanth

5.Periyasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the body of the petitioner's husband A.Murugesan, aged about 32 years, respectively, before this Court, set him at liberty.



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For Petitioner : Mr.L.Rajendran

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 by the petitioner seeking a direction to the second respondent to produce her husband A.Murugesan, aged about 32 years, before this Court and set him at liberty.

2. It is the case of the petitioner that she got married to Murugesan on 04.12.2016 and she went to her natal home for delivery. It is the allegation of the petitioner that the whereabouts of her husband were not known and when she contacted respondents 3 to 5, who are the parents and brother of Murugesan, respectively, they refused to disclose his whereabouts; hence, she gave a complaint to the second respondent police on 08.06.2022, in which, a petition enquiry in C.S.R.No.380 of 2022 has



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been registered. On these allegations, the present habeas corpus petition has been filed by the petitioner.

3. Today, N.Manickam (Mobile No.94446 16452), Special Sub-Inspector of Police, Chinnasalem Police Station, Kallakurichi District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that Murugesan is not in Chinnasalem and the initial enquiry conducted by the police revealed that Murugesan came to know that the petitioner was having intimacy with someone and out of frustration, Murugesan has gone somewhere to Kerala.

5. Be that as it may, we direct the Inspector of police, Chinnasalem police Station, Kallakurichi District, to register a regular FIR for “man-missing” in C.S.R.No.380 of 2022 and take effective steps to secure Murugesan. As and when the detenu Murugesan, aged about 32 years, is secured, he shall be produced before the Judicial Magistrate Court



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No.II, Kallakurichi District, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

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

(P.N.P., J.) (TKRJ)
28.10.2022

nsd



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To

- 1.The Judicial Magistrate No.II,
Kallakurichi District.
- 2.The Deputy Commissioner of Police,
Kallakurichi, Kallakurichi District.
- 3.The Inspector of police,
Chinnasalem police Station,
Chinnasalem, Kallakurichi District.
- 4.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

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