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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.2159 OF 2021

Abdussamad

...Petitioner / Husband of
the detenue

Vs.

1.The Commissioner of Police,
Salem City,
Salem.

2.State represented by
The Inspector of Police,
Hasthampatti Police Station,
Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus pertaining to the illegal custody or illegal detention of the detenue Meharaja Banu, 32 years, wife of Abdussamad and consequently direct the 2nd respondent to produce the detenue before this Court and set her at liberty.

For Petitioner : Mr.A.Saranraj

For Respondents : 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 2nd respondent to produce the detenue Meharaja Banu, 32 years, wife of Abdussamad, before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Meharaja Banu around fifteen years ago and they were blessed with three children viz., Ibrahim, Ismail and Abrin Nisha, aged about 10, 8 and 2 years, respectively; while that being so, her wife went missing from 11.10.2021 and thereafter, her whereabouts are not known.



3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Hasthampatty Police Station Crime No.305 of 2021 was registered on 12.10.2021 under Section 366 IPC against unknown accused and investigation is in progress.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Hasthampatty Sub-Division, to supervise the investigation in Hasthampatty Police Station Crime No.305 of 2021 and keep the petitioner informed of the developments, if any. As and when detenue Meharaja Banu, aged about 32 years, is secured, she shall be produced before the Additional Mahila Court (Magisterial Level), Salem, 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

// True Copy //

Sub Assistant Registrar

nsd

To

- 1.The Additional Mahila Judge,
(Magisterial Level), Salem.
- 2.The Deputy Superintendent of Police,
Hasthampatty Sub-Division.
Salem.
- 3.The Commissioner of Police,
Salem City,
Salem.
- 4.The Inspector of Police,
Hasthampatti Police Station,
Salem District.
- 5.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

H.C.P.No.2159 of 2021

SMI (CO)
RVM(27/01/2022)