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H.C.P.No.2146 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.2146 of 2022

Bhuvaneshwari

.. Petitioner

Vs

1.The Commissioner of Police,
Avadi, Chennai.

2.The Deputy Commissioner of Police,
Ambattur, Chennai.

3.State represented by
The Inspector of Police,
Poonamallee Police Station,
Ambattur, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the third respondent to produce the body of Sathishkumar, husband of the petitioner, aged about 23 years, before this Court and set him at liberty.



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For Petitioner : Ms.D.Jayapriya

For Respondents : 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 third respondent to produce her husband Sathishkumar, aged about 23 years, before this Court and set him at liberty.

2. It is the case of the petitioner that she got married to Sathishkumar in the year 2021 and on account of a quarrel, Sathishkumar left her company on 08.10.2022 and thereafter, his whereabouts are not known. On this allegation, the petitioner has filed the present habeas corpus petition.

3. Today, P.Senthil Kumar (Mobile No.94981 87026), Sub-Inspector of Police, T-12, Poonamallee Police Station, Chennai, is present. The petitioner is also present before this Court along with her counsel.



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4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Poonamallee Police Station Crime No.639 of 2022 was registered on 08.10.2022 for “man-missing” and during investigation, the police were of the view that jurisdiction would fall within T-2, Ambattur Estate Police Station and hence, the case was transferred to the file of the said police station on 11.10.2022 on the orders of the Commissioner of Police, Avadi.

5. The learned counsel for the petitioner submitted that when the petitioner approached the Inspector of Police, Ambattur Estate Police Station, the petitioner was shown with some CCTV footages and the police told her that the jurisdiction will not come within their limits, but, would come within the limits of Poonamallee Police Station.

6. Thus, from the above submission made by the learned counsel for the petitioner, we find that the petitioner is being tossed from one police station to another. Therefore, we direct the Inspector of police, T-2, Ambattur Police Station, to transfer the case to the file of the Poonamallee Police



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Station and the Inspector of Police, Poonamallee Police Station, shall proceed with the investigation in Crime No.639 of 2022.

7. The learned counsel for the petitioner further submitted that the petitioner received a legal notice sent on behalf of her husband by Mr.Ramasamy, B.A.B.L., Advocate, No.20, 21, Tharamani Complex, Sunnambukara Street, Madurai – 1.

8. As regards the legal notice, the learned counsel for the petitioner herself may contact Mr.Ramasamy, Advocate and also provide this information to the police for tracing Sathishkumar.

In such view of the matter, we direct the Assistant Commissioner of Police, Poonamallee Range, Chennai, to monitor the investigation in Poonamallee Police Station Crime No.639 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Sathishkumar, aged about 23 years, is secured, he shall be produced before the Judicial Magistrate Court No.II, Poonamallee, Chennai, under intimation to the



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petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

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

nsd

To

- 1.The Judicial Magistrate No.II,
Poonamallee, Chennai.
- 2.The Commissioner of Police,
Avadi, Chennai.
- 3.The Deputy Commissioner of Police,
Ambattur, Chennai.
- 4.The Assistant Commissioner of Police,
Poonamallee Range, Chennai.
- 5.The Inspector of Police,
Poonamallee Police Station, Ambattur, Chennai.
- 6.The Inspector of police,
T-2, Ambattur Estate Police Station, Chennai.
- 7.Mr.Ramasamy, B.A.B.L.,
Advocate, No.20, 21, Tharamani Complex,
Sunnambukara Street, Madurai – 1.
- 8.The Public Prosecutor, High Court, Madras.



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

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