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H.C.P.No.11 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

H.C.P.No.11 of 2023

R.Pratheeba

... Petitioner

....Vs...

1. The Commissioner of Police,
Greater Chennai,
EVK Sampath Salai,
Vepery, Periyamet,
Chennai- 600 007.
2. The Deputy Commissioner of Police,
T.Nagar Police Station,
T.Nagar, Chennai-600017.
3. The Inspector of Police
R-10, MGR Nagar Police Station,
Chennai-600083.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the Respondents to produce the Petitioner's husband Mr.S.Suthakaran, M/50,



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S/o.Subramaniam before this Court and set him at liberty.

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For Petitioner : Mr.M.Deivanandam
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

This Habeas Corpus Petition has been filed seeking for a direction to the Respondents to produce the Petitioner's husband viz., Mr.S.Suthakaran, M/50, S/o.Subramaniam before this Court and set him at liberty.

2. The learned counsel appearing for the Petitioner submitted that the Petitioner's family had been living in Thanjavur till 2012 and since the Petitioner got a job in Chennai as Office Assistant in Regional Transport Office, Ayanavaram, she shifted her residence to Chennai and residing with her daughter in Chennai. It is further submitted that the Petitioner's husband came to Chennai on 16.08.2022 and thereafter he did not come to Chennai and the Petitioner was unable to contact him as his mobile was



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switched off. It is further submitted that several persons approached the petitioner and stated that her husband borrowed money from them and not returned the same and that apart the Petitioner came to know that her husband was not available in Thanjavur and thereafter she lodged a complaint before MGR police station and the same was registered in Cr.No.412 of 2022. It is his further contention that since no action has been taken on the said complaint the petitioner sent a representation to the Respondents herein on 21.12.2022 and as the same also did not evoke any response, the Petitioner has come forward with the above petition.

3. The learned Additional Government Pleader who accepted notice for the Respondents submitted that though the petitioner's husband was said to be residing at Thanjavur, the Petitioner filed the complaint before the MGR Nagar Police Station, Chennai, without jurisdiction.

4. A reading of the entire affidavit reveals that the person appears to be missing from Tanjore which is within the jurisdiction of Madurai Bench of Madras High Court. In the complaint, it is stated that on 23.08.2022 the



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Petitioner's husband spoke to his daughter by phone and stated that he will come to Chennai. We do not want to go into various averments in the affidavit as it is only for the jurisdictional police to ascertain the truth and proceed further.

5. In view of the same, this Habeas Corpus Petition is closed. We direct the Respondents herein to transfer Cr.No.412 of 2022, to the jurisdictional police who shall investigate and act on the FIR, after ascertaining the genuineness of the complaint.

With the above directions, this Habeas Corpus Petition is disposed of.

(S.V.N.,J) (M.S.Q.,J)
05.01.2023

arr

Internet:Yes

Index:Yes/no

Speaking/Non speaking order



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High Court, Madras.



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S.VAIDYANATHAN, J
and
MOHAMMED SHAFFIQ, J

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