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H.C.P.No.145 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

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**THE HONOURABLE MR.JUSTICE M.SUNDAR**

and

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

H.C.P.No.145 of 2023

Kathamuthu  
S/o.Subramani

.. Petitioner

Vs.

1. The State rep by  
The Commissioner of Police  
O/o Commissioner of Police  
Tambaram, Chennai.

2. The Inspector of Police  
Pallavaram Police Station  
Chennai-600 043.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents herein to produce the body and person of the petitioner's brother Marimuthu, S/o.Subramani, aged about 27 years before this Hon'ble Court and set him at liberty.

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For Petitioner : Ms.S.Shenbagam  
representing Mr.S.Periasamy  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

**[Order of the Court was made by M.NIRMAL KUMAR, J.,]**

The petitioner is the brother of one Marimuthu, who was employed in a Military Camp at Pallavaram and also stayed there. The petitioner lodged a complaint on the file of Inspector of Police, Pallavaram Police Station on 13.01.2023 stating that his brother, who after completing his work and getting a salary on 10.01.2023 at about 9.30 p.m. proceeded to his native unable to be contacted, his mobile phone was switched off. Though a case was registered as 'Man Missing' in Crime No.46 of 2023 on 13.01.2023, no action was taken. Hence, the petitioner sent a representation to the Director General of Police on 23.01.2023. Since no action was taken, the present habeas corpus petition was filed.

2. The learned Additional Public Prosecutor who accepts notice on behalf of respondents submits that the petitioner's brother Marimuthu, who was employed in a Military Camp at Pallavaram, after receiving his salary on 10.01.2023 went to Koyambedu Bus station to proceed to his native place



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met with an accident. Thereafter, information received by Koyambedu Police Station on 11.01.2023 at about 4.00 a.m. informing an unidentified body was found run over. The vehicle involved in the accident is TNSTC Bus No.TN-55-N-1080. The body was taken to the hospital and kept in mortuary. No one identified or claimed the body. The police on coming to know about the complaint of the petitioner in the website, the police informed the petitioner on 27.01.2023 about the accident, the body of Marimuthu was handed over to the petitioner on 28.01.2023.

3. The learned counsel for the petitioner submits that after filing of this habeas corpus petition on 24.01.2023 subsequent developments took place and confirms that the body of Marimuthu was handed over to him on 28.01.2023.

4. Recording the same, this Habeas Corpus Petition is disposed as of closed. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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**M.SUNDAR, J.,**  
**and**  
**M.NIRMAL KUMAR, J.,**

To

1. The State rep by  
The Commissioner of Police  
O/o Commissioner of Police  
Tambaram, Chennai.
2. The Inspector of Police  
Pallavaram Police Station  
Chennai-600 043.
3. The Public Prosecutor  
High Court, Madras.

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