



H.C.P.No.357 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.357 of 2023

M.Ponmalar
W/o.Mahendran

.. Petitioner

Vs.

1. The Superintendent of Police
Thiruvallur District
Tamil Nadu - 602 001.
2. State Rep. by
The Inspector of Police
C-2, Periyapalayam Police Station
Thiruvallur District.
3. Jayanthi
W/o.Dhasarathan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent to produce the body of petitioner's husband detenu Mr.Mahendran, aged 32 years detained illegally by the 3rd respondent before this Hon'ble Court and set him at liberty.

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For Petitioner : Mr.M.Krishnamoorthy
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John, Advocate

ORDER

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

The petitioner, who is the wife of one 'Mahendran' [hereinafter be referred to as 'absentee' for the sake of convenience and clarity] has filed this Habeas Corpus Petition for the reason that her husband was found missing from 14.11.2022. Thereafter, the petitioner lodged a complaint before the second respondent-police and a case in Crime No.429 of 2022 was registered for 'man missing' on 21.11.2022.

2. The learned Additional Public Prosecutor mentioned the matter before us for production of the absentee before this Court. Hence, additional list was prepared, the petitioner was informed and thereafter the matter was taken up for hearing.



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3. It is informed that the absentee was addicted to on-line rummy games, in which, he had suffered heavy loss and repaid his loans by pledging the house of the petitioner. It is further informed that there was some dispute between the petitioner and the absentee in this regard and the absentee had left the petitioner and was roaming around.

4. The learned Additional Public Prosecutor, on instructions submits that yesterday i.e., on 26.03.2023, the absentee was found near Koyambedu Bus stop and he was enquired and taken to the petitioner's residence but the petitioner failed to have any interaction with him and the petitioner seems to be particular in redeeming the house, clearing encumbrance.

5. Today, the absentee (Mr.Mahendran) is produced before this Court. The petitioner and third respondent are also present before this Court.

6. Today also the petitioner was asked to interact with the absentee but she refused to do so. Her main grievance is to redeem the property which was pledged by the absentee. It is informed by the learned Additional



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Public Prosecutor that since the petitioner is not willing to take the absentee with her, the absentee is willing to go with his mother (third respondent) who is also present before this Court today.

7. In view of the above, this Habeas Corpus Petition is disposed of as closed preserving the rights of the petitioner to approach an appropriate forum / Court for redressal. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

27.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

1. The Superintendent of Police
Thiruvallur District
Tamil Nadu - 602 001.
2. State Rep. by
The Inspector of Police
C-2, Periyapalayam Police Station
Thiruvallur District
3. The Public Prosecutor
High Court, Madras.

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

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