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H.C.P.No.319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

Coram

THE HON'BLE Mr.JUSTICE **M.SUNDAR**  
and  
THE HON'BLE Mr.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.319 of 2023

N.Vengatesan

... Petitioner

-Vs-

1.State rep. by  
Superintendent of Police,  
Thiruvallur, Thiruvallur District.  
2.State rep. By  
Sub-Inspector of Police,  
Sholavaram Police Station,  
Thiruvallur District.  
Crime No.107/2022

... Respondents

**Prayer:** Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the second respondent to produce the body of the petitioner's wife namely xxxx female aged 26 years who is missing from 21.02.2022 before this Hon'ble Court may deem fit and proper in the nature of circumstance of the case.

For Petitioner : Mr.M.Mubeen  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor  
assisted by Mr.M.Sylvester John  
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## **ORDER**

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed saying the petitioner's wife xxxx [we are masking the name and the petitioner's wife shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity] aged 26 years is missing from 21.02.2022. Petitioner is 36 years of age and it is averred that the petitioner and absentee got married on 20.05.2013.

2. It is submitted by learned counsel for petitioner that petitioner and absentee have two children from the wedlock and both the children are now safely with the petitioner.

3. It is also to be noted that no private person or entity has been arrayed as a respondent.

4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel who accepts notice for both the respondents submits that preliminary enquiry reveals that absentee is not in illegal custody of anyone but she appears to have been friendly with another person. Be that as it may, learned Additional Public Prosecutor submits that special team has been formed and they are pursuing the matter.



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5. Pursuant to a complaint regarding absentee missing from 21.02.2022, an FIR has been registered on the file of Sholavaram Police Station, Thiruvallur District vide Crime No.107 of 2022 (FIR dated 22.02.2022) saying 'WOMAN MISSING'. Let the police follow the FIR and continue the investigation so as to take it to its logical end.

6. As the absentee is a major, as we are further informed that it is not a case of illegal custody and as we are also informed that both children are safely with the petitioner, we are not inclined to keep the captioned HCP pending any further.

7. Captioned HCP is disposed of as closed with the above observations. There shall be no order as to costs.

**(M.S,J.) (M.N.K.,J.)**  
**02.03.2023**

Speaking / Non-speaking

Neutral Citation : Yes / No

kmi

To

1. Superintendent of Police,  
Thiruvallur, Thiruvallur District.
2. The Sub-Inspector of Police,  
Sholavaram Police Station,  
Thiruvallur District.
3. The Public Prosecutor,  
Madras High Court, Chennai – 104.



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

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