



WEB COPY



H.C.P.No.336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.336 of 2023

J.Merlin Swetha
W/o.D.James

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by Inspector of Police
Periyapalayam Police Station
Thiruvallur District.

2. The Superintendent of Police
Thiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to to direct the 1st respondent Inspector of Police, Periyapalayam to produce the petitioner's husband xxx aged about 36 years before this Hon'ble Court and set him liberty as soon as possible.

For Petitioner	:	Mr.D.Ajith Kumar
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor

Page Nos.1/4



WEB COPY



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Assisted by
Mr.M.Sylvester John, Advocate

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed based on a complaint that 'xxx' [hereinafter 'absentee' for the sake of convenience and clarity as we are masking the name for obvious reasons] is missing from 07.01.2023. To be noted, the petitioner is wife of absentee. The petitioner is 26 years old and absentee is 36 years old. We are informed that the petitioner and absentee got married on 09.09.2022. It is also to be noted that no private individual has been arrayed as respondent in the captioned HCP.

2. Be that as it may, Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of respondents (official respondents) submits that a man missing complaint has been registered before the jurisdictional police station vide Crime No.20 of 2023, investigation is underway and preliminary investigation reveals that the absentee was friendly with one Ragavi and it appears that he left the

Page Nos.2/4



H.C.P.No.336 of 2023

jurisdiction of the jurisdictional police station with Ragavi with whom he is friendly. As it comes across as a case in which there is no illegal detention or illegal custody, we deem it appropriate to not to embark upon a habeas corpus legal drill under Article 226 of Constitution of India.

3. As a sequitur, captioned HCP is disposed of as closed albeit with a directive that the jurisdictional police shall continue with the investigation pursuant to the aforementioned complaint and all the rights and contentions of the parties are preserved in this regard. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

06.03.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No

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

mk

To

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

H.C.P.No.336 of 2023

06.03.2023

Page Nos.4/4