



H.C.P.No.352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

H.C.P.No.352 of 2023

R.Mahalakshmi

.. Petitioner

Vs

1.The Superintendent of Police,
Sankari Main Road,
Nethimedu, Salem.

2.The Inspector of Police,
Gangavalli Police Station,
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first respondent to produce the body of petitioner's husband namely Rajivgandhi, aged about 23 years before this Court and set him at liberty.

For Petitioner : No appearance

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

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ORDER

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

Captioned 'Habeas Corpus Petition' ('HCP' for the sake of convenience and clarity) has been filed in this court on 28.02.2023 inter-alia with a complaint that the petitioner's spouse is missing and a representation dated 20.01.2023 has been sent to the second respondent.

2. Today, there is no representation for the petitioner but Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for both the respondents submits that preliminary investigation brings to light that it is not a case of illegal detention and that respondents are likely to locate the absentee as expeditiously as possible and estimated time is six weeks i.e., 06.06.2023.

3. Let the investigation proceed on its own merits and in accordance with law. As and when the absentee is located, let the absentee be produced before the jurisdictional magistrate (we are informed that Judicial Magistrate II, Athur, Salem is the jurisdictional



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Magistrate). Before we drop the curtains on the captioned HCP, we make it clear that all the rights and contentions of the petitioner and or any one concerned for the absentee are preserved for coming to this Court again with a suitable petition and rights are also preserved for coming to this Court with similar/same prayer if there is any development touching upon illegal custody/illegal detention.

4. Captioned HCP is disposed of as closed in the aforesaid manner.

(M.S.,J.) (M.N.K.,J.)
25.04.2023

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The Superintendent of Police,
Sankari Main Road,
Nethimedu, Salem.
- 2.The Inspector of Police,
Gangavalli Police Station,
Salem District.
- 3.The Judicial Magistrate II,
Athur, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

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

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