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H.C.P.No.361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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

and

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

H.C.P.No.361 of 2023

Raman Badyal

.. Petitioner

Vs

1.State of Tamil Nadu
rep. By the Superintendent of Police,
Kancheepuram District.

2.The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu, Chennai – 77.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the body of Mr.Rahul Badyal, aged about 39 years, brother of the petitioner herein before this Court and set him at liberty.

For Petitioner : Mr.K.Venkatesan

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.,**]

This order will now dispose of captioned 'Habeas Corpus Petition'. ('HCP' for the sake of convenience and clarity).

2. Captioned HCP has been filed saying that petitioner's elder brother is missing.

3. To be noted, there is no disputation or disagreement that the petitioner's elder brother is a major and he is 39 years old.

4. Be that as it may, pursuant to a complaint given by the petitioner, the jurisdictional police have commenced investigation and a status report dated 27.03.2023 has been placed before us. To be noted, this is a status report from the second respondent i.e., Inspector of Police of the jurisdictional police station. A perusal of this report brings to light that investigation is in progress and that the jurisdictional police is hopeful of locating the absentee. However, it is clear that this is not a case of illegal detention or illegal custody. Therefore, it will be curtains qua the captioned HCP. However, we deem it appropriate to say that the investigation shall proceed on its



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own merits and in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate II, Poonamallee. On the absentee being located, let the absentee be produced before the jurisdictional Judicial Magistrate.

5. While we drop the curtains on the captioned HCP, we make it clear that the rights of the petitioner are preserved for coming up with suitable proceedings if there is inordinate delay or any other change in circumstances.

6. Captioned HCP is disposed of as closed.

(M.S.,J.) (M.N.K.,J.)
27.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The Superintendent of Police,
Kancheepuram District.
- 2.The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu, Chennai – 77.
- 3.The Judicial Magistrate II,
Poonamallee.
- 4.The Public Prosecutor,
High Court, Madras.



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

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