



WEB COPY



H.C.P.No.382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

H.C.P.No.382 of 2023

E.Arjunan

.. Petitioner

Vs

1.The Superintendent of Police,
Villupuram, Villupuram District.

2.The Inspector of Police,
C-5 Brammadesam Police Station,
Brammadesam, Marrakkanam Taluk,
Villupuram District.

3.E.Sathish

.. 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 petitioner's wife XXX (age 29 years), W/o.E.Arjunan, before this Court and set her at liberty.

For Petitioner : Mr.P.Vijayakumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2

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ORDER

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

Captioned 'Habeas Corpus Petition' ('HCP' for the sake of brevity) has been filed by the spouse of XXX (We are masking the name of the petitioner's spouse and we shall be referring to her as 'absentee') saying that the absentee is missing from 01.01.2023. Learned counsel submits that the petitioner fears that his spouse is in illegal custody of the third respondent. To be noted the third respondent is a natural person and a private individual.

2. Mr.P.Vijayakumar, learned counsel for petitioner who is before us submits that a complaint dated 09.01.2023 has been lodged with the second respondent police in this regard and the same has been registered as Crime No.16 of 2023.

3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel, who accepts notice on behalf of respondents 1 and 2 (official respondents) on instructions submits that the police acted on the aforementioned



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09.01.2023 complaint (Crime No.16 of 2023) and investigation reveals that the absentee is not in illegal custody of the third respondent. However, learned State Additional Public Prosecutor adds that the absentee appears to be in touch with the third respondent, his mother and another person. Learned State Additional Public Prosecutor also submits on instructions that the third respondent is very much available at the address given in the cause title and the absentee is not with him. This means that the absentee is not in illegal custody of the third respondent is his further say.

4. As this is not a case of illegal detention or illegal custody, we are of the view that this is not a case to embark upon a habeas corpus legal drill and we deem it appropriate to say that it will suffice to say that the second respondent police shall pursue the aforementioned Crime No.16 of 2023 dated 09.01.2023 and carry it to its logical end in accordance with law. We also make it clear the we have not expressed any view or opinion on merits and all the rights and contentions of all the parties more particularly the third respondent (as he is not before us) are preserved and left open.



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5. In the light of the narrative thus far, captioned HCP is disposed of as closed albeit with the aforementioned observation.

(M.S.,J.) (M.N.K.,J.)
14.03.2023

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

To

- 1.The Superintendent of Police,
Villupuram, Villupuram District.
- 2.The Inspector of Police,
C-5 Brammadesam Police Station,
Brammadesam, Marrakkanam Taluk,
Villupuram District.
- 3.The Public Prosecutor
High Court, Madras.



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

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