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H.C.P.No.422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

H.C.P.No.422 of 2023

C.H.Sujatha

.. Petitioner

Vs

1.The Commissioner of Police
Chennai District, Chennai.

2.State Rep. By its
The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of writ of habeas corpus directing the
respondents to produce the body of the petitioner's husband
G.Suresh, male, aged 39 years.

For Petitioner	:	Mr.K.Bommuraj
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' (hereinafter 'HCP' for the sake of brevity) has been filed saying that the 'petitioner's spouse one G.Suresh' (hereinafter 'absentee' for the sake of convenience and clarity), aged 39 years, who is a cab driver by avocation is missing from 31.01.2023.

2. Mr.K.Bommuraj, learned counsel for petitioner submits that the petitioner lodged a complaint with jurisdictional police station i.e., second respondent on 03.02.2203 and a 'First Information Report' (hereinafter 'FIR' for the sake of brevity) was registered qua man missing vide Crime No.50 of 2023.

3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel, who accepts notice for both the respondents is instructed by Mr.S.Murthy, Inspector of Police, who is before us.

4. Learned State Additional Public Prosecutor on instructions



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submitted that investigation was commenced pursuant to aforesaid FIR and preliminary investigation brings to light that it is not a case of illegal detention or illegal custody. This by itself drops the curtains on a habeas corpus legal drill. Be that as it may, learned State Additional Public Prosecutor submits that the investigation pursuant to aforementioned FIR is underway. There is marital discord between the spouses i.e., petitioner and the absentee. Learned State Additional Public Prosecutor submits that the investigation is being carried on in accordance with law and it will be carried to its logical end as expeditiously as possible. We are informed that XIII Metropolitan Magistrate, Egmore, Chennai is the jurisdictional Magistrate qua aforementioned FIR.

5. In the light of the narrative thus far, we are of the view that this is not a fit case to embark upon a habeas corpus legal drill as it is not a case of illegal detention or illegal custody as already alluded to supra. Therefore, we are of the further view that it would be suffice if there is an observation that the jurisdictional police shall produce the absentee before the aforementioned jurisdictional Magistrate when he is located and let the investigation proceed on its own merits and in accordance with law.

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6. Captioned HCP is disposed of as closed albeit with the
aforementioned observation.

(M.S.,J.) (N.A.V.,J.)
21.03.2023

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

- 1.The Commissioner of Police
Chennai District, Chennai.
- 2.The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai.
- 3.The XIII Metropolitan Magistrate,
Egmore, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

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**M.SUNDAR, J.,
and
N.ANAND VENKATESH, J.,**

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