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H.C.P.No.506 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.506 of 2023

Mrs.V.Rekha

W/o.Manikandan

..

Petitioner

Vs.

1. The Commissioner of Police
O/o.The Commissioner of Police
Avadi Police Commissionerate
Avadi, Chennai

2. The State rep. By
The Inspector of Police (L &O)
T-3, Korattur Police Station
Avadi Police Commissionerate
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the body of person of the petitioner's husband Mr.M.Manikandan, son of Munuswamy, aged about 32 years before this Court and set him at liberty.

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For Petitioner : Ms.Malarvizhi Udayakumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed saying that the petitioner's spouse one M.Manikandan, aged 32 years is missing, a complaint has been lodged with the second respondent (jurisdictional police) and the same has been taken on file vide Crime No.145 of 2023.

2. Ms.Malarvizhi Udayakumar, learned counsel on record for the petitioner submits that the petitioner and aforementioned Manikandan [we shall hereinafter refer to him as 'absentee' for the sake of convenience], were married on 04.09.2017 and that from the wedlock a male child was born on 31.07.2018. Learned counsel submits that this child is now with the petitioner. This submission is recorded.



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3. Be that as it may, it is also submitted that there was matrimonial discord between the petitioner and the absentee but we do not intend to delve much into the same as this is a HCP legal drill. Learned counsel submits that the absentee is now incommunicado. Learned counsel also submits that the needle of suspicion now points towards one Ms.Devi but the petitioner has not arrayed said Devi as one of the respondents. We are informed that the reason is, the petitioner is not aware of her address.

4. Issue notice. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, who accepted notice on behalf of both the respondents submitted on instructions (from Mr.T.Subburaj, Sub-Inspector of Police, T-3 Korattur Police Station) that the aforementioned Devi's father has also lodged a complaint with the second respondent police and the same is vide C.S.R.No.271 of 2023 dated 23.02.2023. It is submitted that there was investigation pursuant to this C.S.R but we are of the view that it may not be necessary to go into the details as it would suffice to say that learned Prosecutor on instructions submits that the aforementioned complaint given by the petitioner has kick started an investigation, a special team has been formed and second respondent is hopeful of locating the absentee as



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expeditiously as possible and in any event within four weeks from today i.e., by 02.05.2023. We deem it appropriate to say that investigation shall proceed on its own merits (merits of the complaint) in accordance with law, as and when the absentee is located, he shall be produced before the jurisdictional Magistrate (we are informed Judicial Magistrate, Ambattur is the jurisdictional Magistrate).

5. The above HCP is disposed of as closed albeit with the aforementioned observations and a further observation that all the rights and contentions of the petitioner or any one concerned for the absentee are preserved for coming to this Court with same/similar prayer if there is unduly delay in the matter.

(M.S.,J.) (M.N.K.,J.)
03.04.2023

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

gpa

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and
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