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H.C.P.No.752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

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**THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

H.C.P.No.752 of 2023

Uma Maheswari
W/o.Sundarrajan

.. Petitioner

VS

1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police (L&O),
R11, Ramapuram Police Station,
Chennai - 89.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents police officials to produce the body of the petitioner's missing husband - Mr.S.Sundarrajan, aged 58 years and set him at liberty.

For Petitioner : No appearance

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor



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ORDER

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

This order will now dispose of the 'Captioned Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity and convenience] as there is a happy ending to the episode which has led to the filing of HCP in this Court.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 01.06.2023, which reads as follows:

'Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, convenience and clarity] is predicated on a complaint that the petitioner's spouse by name 'Sundarrajan' [hereinafter 'absentee' for the sake of convenience and clarity] is missing. To be noted a written complaint was sent to the jurisdictional police on 22.03.2023.

2. Mr.P.Ayyaswamy, learned counsel on record for petitioner submits that there is some immovable property dispute between the absentee and his siblings. On instructions from petitioner who was present in Court, learned counsel for petitioner submits that the petitioner is able to talk to the absentee over phone but he is not physically available. It is further submitted that the apprehension is that there is a possibility of the absentee's siblings holding him in custody owing to property dispute. Learned counsel also submits that a civil suit has been filed in the jurisdictional Court but it may not be necessary to go into that aspect of the matter.

3. Issue Notice.

4. Mr.R.Muniyapparaj, learned State Additional Public



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Prosecutor (assisted by learned counsel Mr.M.Sylvester John) accepts notice for both the respondents and requests for three weeks time for the respondents to secure the absentee saying preliminary enquiry reveals that absentee is outside Tamil Nadu. Request acceded to.

5. List three weeks hence. List on 22.06.2023.'

3. Today, the matter was mentioned by learned Prosecutor saying that the absentee has since been located. Therefore, the matter was taken up by way of an additional list. Learned Prosecutor submitted that learned counsel on record for petitioner has been duly informed but learned counsel is not before Court. However petitioner is before Court. Be that as it may, petitioner, absentee, Mr.E.Raj Thilak, learned Additional Public Prosecutor for respondents are before this Court.

4. This Court is informed that absentee (who left home voluntarily) and petitioner, who are spouses have talked it out amongst themselves and they are going back together. This is the reason why we opened this order by saying that there is a happy ending to the episode which led to filing of HCP.



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and
R.SAKTHIVEL, J.**

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5. The narrative thus far will make it clear that it is not a case of illegal detention or unlawful custody. Therefore, we drop the curtains on the captioned HCP. In other words, captioned HCP is disposed of as closed recording what surfaced/unfurled in the hearing today.

**[M.S., J.] [R.S.V., J.]
28.06.2023**

Index : Yes/No
Neutral Citation : Yes/No
gm

To

- 1.The Commissioner of Police,
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Vepery, Chennai - 600 007.
- 2.The Inspector of Police (L&O),
R11, Ramapuram Police Station,
Chennai - 89.
- 3.The Public Prosecutor,
High Court, Madras.

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