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H.C.P.No.618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.618 of 2023

Mrs.A.A.Arockia Mary

..

Petitioner

Vs.

1. State Rep. By
The Commissioner of Police
Avadi Corporation
Avadi
2. The Sub-Inspector of Police
The Inspector of Police
T10, Thirumullaivoyil Police Station
Chennai – 62
Crime No.94 of 2023

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents herein to produce the body of the detenu Mr.D.Thomson, son of Mr.G.Daniel, aged about 50 years before this Court and set him at liberty.

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For Petitioner : Mr.E.Felix Parthiban
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John, Advocate

ORDER

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

The petitioner earlier lodged a complaint with the second respondent informing that her husband, who is an ex-military man and was employed in Aavin Booth as Security, had not returned home from 22.02.2023. On 23.02.2023, the petitioner was informed by her sister's husband that petitioner's husband left for home after talking to him.

2. The petitioner states that it is the habit of her husband that he will not return home for 2 or 3 days and hideaway but this time for about 5 days he had not returned home and hence the petitioner lodged a complaint. The petitioner's husband went missing along with his Jio tphone,ATM card and Bank Passbook of SBI,Corporation Bank and Indian Overseas Bank and hence,apprehending danger for his life, the petitioner lodged a complaint. It

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is submitted by learned counsel for petitioner that though FIR registered in Crime No. 94 of 2023, thereafter no action was taken and hence she filed the present petition.

3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, who accepted notice on behalf of the respondents, submitted that the petitioner's husband who is an ex-military man is an alcoholic and he had not returned home after 22.02.2023 but during this period, money has been withdrawn from his account. After registration of FIR, pamphlets have been issued and FIR particulars have been uploaded in the CCTN. On 17.03.2023, an unidentified body was found near KMC hospital which was matching with the particulars of the petitioner's husband, the family members of the petitioner were informed and they came to the hospital but they could not identify the body and further they are not cooperating with the investigation.

4. In any event, investigation is in progress, already FIR registered, as and when the petitioner's husband is found, he shall be produced before the Judicial Magistrate, Ambattur (jurisdictional Magistrate). In this case, the petitioner has not made allegation of any illegal detention or custody and no



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one has been arrayed as private respondent. The police registered the FIR on the complaint lodged by the petitioner and investigation is in progress.

5. In the view of the same, as and when the petitioner's husband is found, he shall be produced before the concerned jurisdictional Magistrate informing the petitioner in advance.

Captioned Habeas Corpus Petition disposed of with the above observation.

(M.S.,J.)

(M.N.K.,J.)

19.04.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

1. The Commissioner of Police
Avadi Corporation
Avadi
2. The Sub-Inspector of Police
The Inspector of Police
T10, Thirumullaivoyil Police Station
Chennai – 62
3. The Public Prosecutor
Madras High Court
Chennai

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