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H.C.P.No.650 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.650 of 2023

Latha

Wife of Murugan

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Villupuram District.

2. The Inspector of Police
Villupuram Taluk Police Station
Cuddalore District.

..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 son Balaji, aged about 26 years before this Hon'ble Court and set him liberty.

For Petitioner	:	Mr.A.T.Anbu Kumar
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.,]

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed with petitioner's 26 year old son [we are informed that date of birth of the petitioner's son is 22.12.1996 and we shall hereinafter refer the petitioner's son as 'absentee' for the sake of convenience and clarity] is missing on and from 10.01.2023 as the nucleus.

2. Mr.A.T.Anbu Kumar, learned counsel for petitioner who is before us, adverting to HCP support affidavit submits that a complaint has been lodged by the petitioner in the jurisdictional police station (second respondent) on 30.01.2023 and the same has been taken on file as Crime No.79 of 2023.

3. Issue notice.

4. Mr.E.Raj Thilak, learned Additional Public Prosecutor who accepts notice for both respondents, on instructions from Mr.K.Ravi, Special Sub-

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Inspector of Police, Villupuram Taluk Police Station submits that the aforementioned Crime No.79 of 2023 dated 30.01.2023 triggered an investigation and preliminary investigation reveals that this is not the first episode of the absentee leaving the petitioner's residence. It is further submitted that every effort has been taken to locate the absentee, call details records have been obtained and realistic time frame for locating the absentee would be four weeks from today i.e., by 19.05.2023.

5. Let the investigation proceed on its own merits and in accordance with law. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate [we are informed that jurisdictional Magistrate is Judicial Magistrate No.I, Villupuram]. Before we drop the curtains on the captioned HCP, we make it clear that all the rights and contentions of the petitioner, anyone concerned for absentee, the absentee or anyone else concerned with this case are preserved to come back to this court with a suitable petition / application or to approach any other appropriate Court / Courts / Forum / Fora or concerned authorities. In this regard, we also make it clear that all the rights and contentions of the



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petitioner or anyone concerned for absentee are preserved for coming back to this Court with same / similar prayer, if there is any development touching upon illegal detention as the matter progresses.

6. Captioned HCP disposed of as closed with the above observations and preserving all the rights and contentions in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(S.M.,J.)

21.04.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk

To

1. The Superintendent of Police
Office of the Superintendent of Police
Villupuram District.
2. The Inspector of Police
Villupuram Taluk Police Station
Cuddalore District.
3. The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
SUNDER MOHAN, J.,

mk

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